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UDINE

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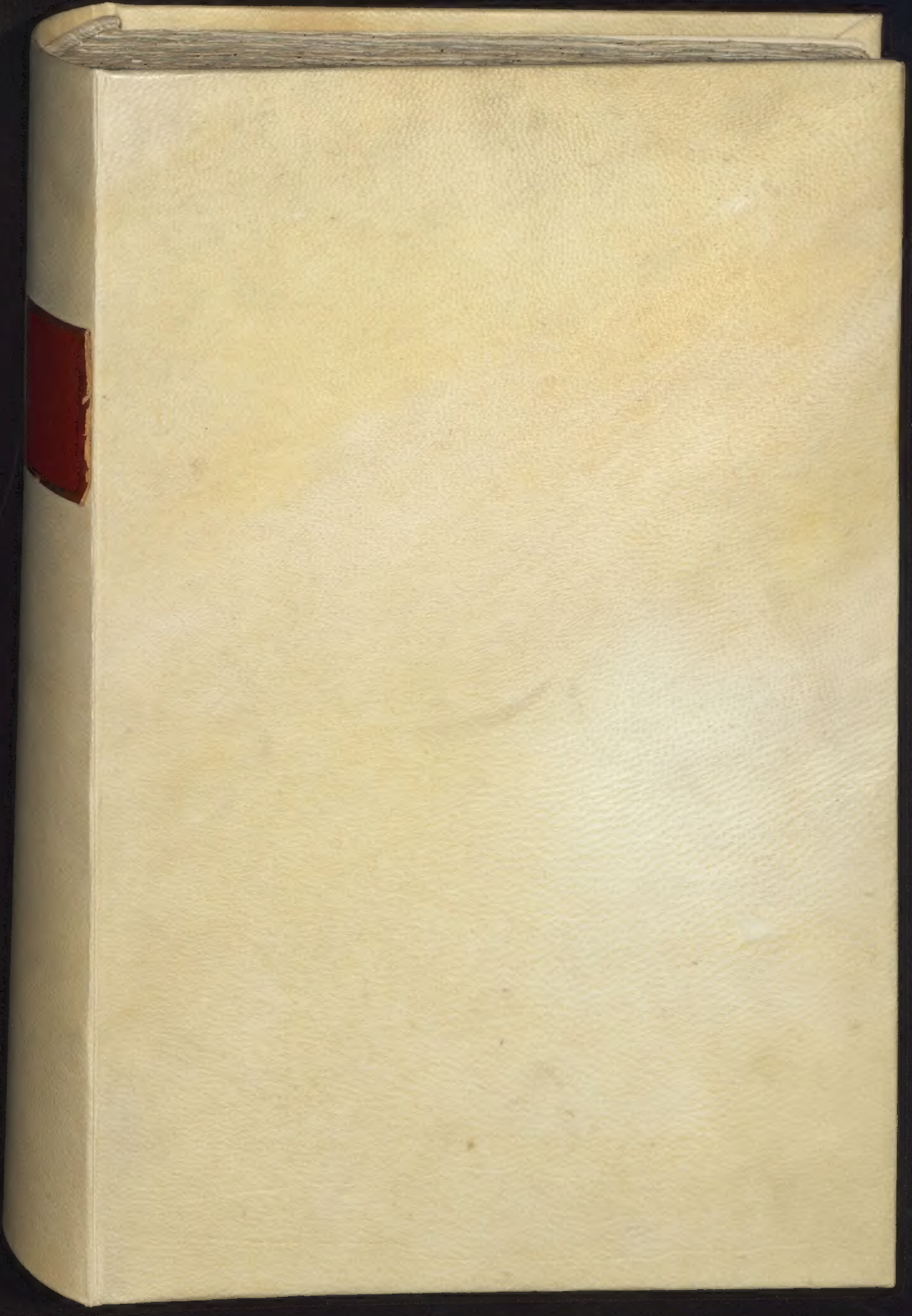

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PRIMVM VOLV.
CONS. FLAM. RVB.

F. R. D.

5/

Ill.ma Sig. Cog.na e P. Sorella cara
I

MS. 1057

Mille osequiosse gratie rendo al innata bonta di V.S. Ill.ma che sie deg.ata fauorirmi in un instante radopiatamente dei soi compre.mi caratteri, e di un suo da me sempre so spirato comando mi spiace non è il mio talento ato p. farla restare seruita come merita, è ci bramo, ma tale sono mi dedico tutta sua, è del Ill.mo Sig. Giouanni tanto à me caro Patrone, è li soi stati tanto adorabili mi anno rapita at amiracione di sua gran bonta onde mia cara à ben ragione di rendere gratie al Cielo di si bona sorte à uta in questo suo Acasamento, è non manchi ancor essa di coperarsi la sua parte, p. magior suo bene è mio sciollieuo. La R.da M. Suor Maria Madalena li rende infinite gratie dei Colonbini che li à molto gradditi. res col riuer.te ambe essi Ill.mi Sig. Consorti con e il mio affi affetto è unito in modo tale con loro che mai si rasire dera sino alla morte è mi soscriuo in fretta

Di V.S. Ill.ma
Dev.ma Ser.va Cog.na e Sorella
C. M.

Udine 22 8bre 1686

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est [illegible] [illegible] [illegible] quod [illegible]
[illegible]
[illegible] Cachina [illegible]

Dubio [illegible] primum dubium in quo dubia [illegible]
[illegible] ratione [illegible]

notes in [illegible]

[illegible] capta [illegible] fol. 17. [illegible]
[illegible]
[illegible] qui [illegible] non [illegible]
[illegible]
[illegible] in prin. [illegible] col. [illegible] quando [illegible] ex ipsius [illegible]
[illegible] dicatur [illegible]
col. 1. [illegible] Bal. in c. 1. [illegible] succes. [illegible]

A Corn. cõs. 129. nº 18. in 2º vol. [illegible] cons. [illegible] in 4º [illegible] Deci. cõs. [illegible]

Fil. fa. [illegible] nicol. [illegible] conferens est [illegible] ratione

[illegible] filius familias [illegible] sub aliena [illegible] tit. [illegible] tex. in
[illegible] ff. de testa. [illegible]
in prin. [illegible] filiusfam. [illegible]
[illegible] Corneus [illegible] col. [illegible]
[illegible] quod [illegible]
[illegible]

l. 1. ff. [illegible] patre consentiente filium filiusfam. habere testamenti factionem [illegible] tex.
in d. l. qui in potestate, [illegible] in l. [illegible] ff. de testam. in aliis [illegible]
[illegible]

[illegible] in locis [illegible] collisium [illegible] ab aliena [illegible]
[illegible] quia lex [illegible]
[illegible] autoritas [illegible]
[illegible] contentu [illegible]
[illegible]
[illegible] omnis sententia in modo
in [illegible] sibi adiacat [illegible] in aliis [illegible]
[illegible] ut sentit glo. in d. l. qui
in potestate [illegible] magis [illegible]
[illegible] filius [illegible] col. [illegible] [illegible] in cõs. [illegible] nº 2 [illegible]

Fil. fa. an [illegible] [illegible] Clar. [illegible]
lib. 3. [illegible] testamentum [illegible] 18. [illegible] Quinimo [illegible]
[illegible] fa. [illegible] in d. c. licet [illegible]
[illegible] in pater [illegible] testa. in [illegible] in d. c. licet [illegible]

[illegible]

Femanci[illegible] [illegible] mont[illegible] [illegible]

[illegible]

[illegible]

facta a patre [illegible]

1°. ubi inquiens, [illegible] non sepiri, quod ex [illegible] mutuom [illegible] reclamatur, ideo quod [illegible] non dicere nec nos dicere debemus. l. illam. C. de [illegible] maxime in emancipatione [illegible], que ideo non [illegible] et cum in prima [illegible] [illegible] non [illegible] fieri debeat coram magistratu et necessitate [illegible] solemnitas extrinseca [illegible] l. [illegible] tabb.

[illegible]

[illegible] Albert. [illegible] Bal. in l. licet [illegible] ff. de [illegible] ac par. in l. [illegible] C. [illegible]
[illegible] Bal. [illegible] ac [illegible]

[illegible] attestatione [illegible] quod [illegible] dicitur [illegible] Nunc dico quod [illegible] [illegible] [illegible] emancipationem vel [illegible] morte aut alia [illegible] [illegible] magis [illegible] l. quod ab initio. ff. de re. iur. in [illegible] [illegible]

[illegible] in [illegible] Sed non esse casum [illegible] [illegible]. Remanet itaque firma decisio, quod [illegible] [illegible] obstat clausula codicillaris in fine apposita, quia [illegible] [illegible] aut [illegible] Codicillorum, aut donationis causa mortis. 1°. casu [illegible] testamentum [illegible]. 2°. casu dico clausulam illam hoc casu nil operari [illegible], [illegible] ex [illegible] institutione heredis [illegible] codicillos, sed testamentum [illegible] non valet ut testamentum, [illegible] valet nec [illegible] ut codicilli [illegible] [illegible] ex dictis [illegible] 3°. casu, licet [illegible]

[illegible] mortis causa donare [illegible] causa mor. [illegible]
100. [illegible]
[illegible] partem teneat [illegible] l. [illegible]
[illegible] donat. causa mor. ad hanc [illegible]
[illegible] l. licet inter privatos. C. de [illegible] in donatione [illegible]
[illegible] in testamento aut [illegible] nulla [illegible]

[illegible] post mortem [illegible]

[illegible]

[illegible] donatio [illegible] requiritur [illegible] ut ita dicam [illegible]

[illegible] ex illa [illegible]

[illegible] hered. [illegible]

us ad ualiditatem donationis causa mortis [illegible] uxor [illegible]

[illegible] mortis [illegible] cui licet [illegible] sub. lit. [illegible]

Prima [illegible]

[illegible] maxime [illegible]

[illegible] executis [illegible]

[illegible] possit filius fa. testam [illegible]

.29.

[illegible]

.30.

Don. [illegible] ad [illegible]

.31.

Nec pot. sufficit

.32.

Ex [illegible] opus [illegible]

.33.

[illegible] nil [illegible] pars [illegible] mortis [illegible] C. qui testa. fac. [illegible] corn. [illegible] 277 [illegible] Rom. [illegible] ff. de don. cau. mor.

.34.

[illegible]

.35.

[illegible]

.37.

[illegible] administrat. [illegible]

lib. caspr. cons. 148

[illegible]

[illegible]

[illegible] à verbis etiam recolendis

[illegible]

firmaq[ue] [illegible] ecclesia [illegible]

[illegible] uidet te fari me voluit nec potuit

Funiculi [illegible] [illegible] ꝓ. funiculum [illegible]

[illegible] illo ꝓ. [illegible]

[illegible] funiculi [illegible]

dormienti, absenti, mortuo, infanti minori .7. annorum [illegible]

[illegible] eiusq[ue] [illegible] constitutos [illegible]

[illegible] firmat funiculum nec [illegible]

[illegible] quod [illegible]

[illegible] lib. 3.° [illegible]

[illegible] sed [illegible]

[illegible] uel minus [illegible]

[illegible] funiculi [illegible]

[illegible] qui cum mortuo [illegible]

[illegible] can. 3.° [illegible]

[illegible] ad [illegible]

[illegible] ab eo [illegible]

[illegible]

[illegible] et [illegible] ut [illegible]

[illegible] cons. 216 n.° [illegible] quo loco nec hic, nec illic [illegible]

[illegible] item [illegible]

[illegible] funiculum dicens, [illegible]

[illegible] Accipe [illegible]

[illegible] Caluini [illegible]

[illegible]

Clausula sanae mentis

quod hac clausula à not.° apposita. Sanus mente et non obstat tamen

ex qualitate actus sanitas mentis

iis qui lucida habent intervalla, quia ex qualitate actus presumitur sanitas.

pater, quod Illum Jo. [illegible] dementiam convincunt, et inter caetera

D. Catherine actrici dimidiam dotem [illegible]

Quandoquidem hanc uti iniquam, et domesticam hostem

7.

Furoris probatio difficilis ideo

concludentes quod furoris, vel dementia probatio difficilis est, ut

tam acta, sed quales quales sufficiunt probationes

testibus similiter, ut firmat Alex. in cons. 141. col.

Cons. 2. col. 4. in prin. cons.

[illegible]

Bar. [illegible] Decis. [illegible] n°. 44. [illegible]

[illegible] in id [illegible]

[illegible] sicuti in [illegible] quod testis [illegible] aliquid [illegible] nisi [illegible] Quia [illegible] et hoc ex [illegible] auctoritate [illegible] ex [illegible] ideoque [illegible] sensus [illegible] absque alia [illegible] Sed hic casus [illegible]

[illegible] ex discursu intellectus [illegible] clausis [illegible] causa [illegible] ex causa [illegible] ex Martha domus [illegible] De furore [illegible] testis omnes [illegible] quibus magis [illegible] ex his magis

testis cum domum habere.

testes [illegible]

[illegible]

concludere vero testes dicentes esse [illegible] actricis [illegible]
[illegible] dicere, [illegible] [illegible] [illegible]
[illegible] [illegible] iudicandum
[illegible] aut actricis testes [illegible]
[illegible] [illegible]
non [illegible] testi. [illegible]
[illegible] Alex. [illegible] cons. 64. [illegible]
[illegible] non [illegible] illam, quod quandoque [illegible]
[illegible] merces, quae ratio non concludit, nec est bona, eo quod stare
potest et ita hoc casu contingit, quod [illegible]
[illegible] fuerit actrix furiosa, [illegible] tunc [illegible] , [illegible]
[illegible] erat, et sic unico tempore concludunt actricis testes, alio [illegible]
[illegible] cum furore agebat, [illegible] hoc [illegible]
vero [illegible] cum non [illegible] hoc esse, quod ad hoc contingit [illegible]
[illegible] c. in praesentia. de proba. [illegible] dictum testis [illegible]
[illegible] [illegible]
[illegible] de testi. l. qui testamento [illegible] ff. de testa. [illegible]
[illegible] [illegible] causam. de testi. [illegible] actricis testes
[illegible] ad concordiam [illegible] aut illi [illegible]
[illegible] [illegible]. [illegible] de testi. c. [illegible]
scripturis. 8. q. 1. [illegible] concordia [illegible] ut testes actricis
[illegible] tempore, testes autem vero [illegible] tempore [illegible]
quae [illegible] tollit omnino actricis intentionem, cum dicta test[illegible]
[illegible] probationes vero. Accedat quod testes [illegible]
et non [illegible] in domo illorum [illegible], testes [illegible] dom[illegible]
[illegible] singulis diebus esse in domo [illegible]
[illegible] magis est [illegible] illis credendum c. [illegible]
[illegible] testes actricis in [illegible]
testes [illegible] specie, [illegible] specificant actum, ideo magis [illegible]
[illegible] Alex. cons. 88. col. 2. et cons. 150. col. 2. [illegible]
[illegible] cons. 48. col. [illegible]
[illegible]
[illegible] certior esse [illegible] l. in trade.
[illegible] clarior [illegible]
[illegible] tradit [illegible]
[illegible] Porro testes [illegible]
[illegible] ut voluit Bar. [illegible] l. qui testamento [illegible] Bal. in [illegible]
oldra. cons. 210. col. 2. [illegible] cons. 91. n. 4. [illegible] testes vero
[illegible]
[illegible] custodienda
[illegible]
[illegible] vero [illegible]
[illegible] ex [illegible]
[illegible]

[illegible] Nouerca [illegible] patrui specialiter. [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] D. [illegible]
[illegible]
actricis [illegible] asserman[illegible] Joannem [illegible] tempore eius mortis [illegible]
etatis annorum. 13. [illegible] etate inhabilis est ad testandum.
[illegible] qua etate [illegible]
[illegible] est [illegible]
[illegible] anno [illegible] anno [illegible]
[illegible] actricis [illegible] cap. [illegible]

Sed [illegible] viribus [illegible] Jo. petri testamentum [illegible] D. [illegible]
[illegible] ut [illegible] plus [illegible]. [illegible] Jo. [illegible]
[illegible] ~~[illegible]~~ [illegible] mater [illegible]
[illegible] ut supra [illegible] [illegible] illa dimidia [illegible]
[illegible] dimidia [illegible] nouerca [illegible]
[illegible] qui [illegible] falcidiam [illegible]
[illegible] potuit [illegible] toto tit. ff. [illegible] C. ad. l. falc.
[illegible] si [illegible] toto tit. ff. [illegible] C. [illegible]
[illegible] ergo [illegible] dimidium [illegible]
in [illegible]
[illegible] Sed in hoc [illegible]
testamentum [illegible] Jo. petri [illegible]
[illegible] in hoc casu si ~~[illegible]~~ [illegible]
[illegible] 2. 2. [illegible]

†

Explicatio

enaio ex persona formato in causa hereditatis q. R.di ac Nob. D. Aug.i et Valentinis licet unica [illegible] [illegible] ac media [illegible] contra Nob. D. Catherinam [illegible] in primis [illegible] [illegible] [illegible] lenimis, et modo in secundis [illegible] [illegible] D. Joanni [illegible]

machinata: Nihilominus si vera cuncta [illegible] [illegible] ipsius Dne [illegible] apparebunt, contraria vero nullo [illegible] diluta, et eversa.

[illegible] ut omittam superflua, ad immediata [illegible] [illegible] [illegible] D. Catherinae in omnibus, et singulis petitionis suae capitulis [illegible] [illegible] [illegible] [illegible] [illegible] in ceteris [illegible]

Funeris impensa [illegible]

L'ordine [illegible] [illegible] [illegible] subordinari, et ceteris conferri pro impensis [illegible]

£ 88 [illegible] in [illegible] in partita fol. 27. t.o

facta in funere q. D. Aug.ni et D. Stellae [illegible] [illegible] [illegible] [illegible] corporis eiusmodi [illegible] [illegible] [illegible] [illegible] casus [illegible] [illegible] in disputatione. [illegible] lib. [illegible] [illegible] [illegible]

†

[illegible] £ 10 [illegible] in pollitia fol. 28.

[illegible] alii [illegible] [illegible] [illegible] habere [illegible] [illegible] [illegible] [illegible] exhibenti [illegible] [illegible] [illegible] [illegible] [illegible] ut [illegible] in disputatione, [illegible] [illegible] [illegible]

[illegible] in [illegible] et [illegible]

[illegible] [illegible] Nec enim ita licet sepulchri cura ad mortuos non pertinere

sepulchri cura ad mortuos [illegible]

[illegible] Cic. Tuscul. 1o. ac Petrar. de remed. utri. fort. lib. 2. dial. 132. Raph. Volat. Comment. urban. lib. 31. [illegible] sub cap. de [illegible] [illegible] in philol. ac D. Aug. lib. 1. de Civit. dei cap. 12. [illegible] [illegible] [illegible] sepulturae [illegible] exequiae [illegible] [illegible] solatia esse, quam mortuorum suffragia; nihilominus [illegible] [illegible] esse dignoscitur, ut [illegible] Aristot. de animal. 9. [illegible] [illegible] [illegible] [illegible] [illegible] mortuo [illegible] [illegible] [illegible] [illegible] sepelire [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] exitio [illegible], ad [illegible] [illegible] [illegible] corpora humana, ne iaceat insepulta, unde et inter opera misericordiae mortuorum sepulturam annumerat. et Christus [illegible] [illegible] in sepulchro [illegible] ut Matth. 27. Marc. 15. Luc. 23. Joan. 19. et Tobi. cap. 4. haec leguntur verba. [illegible] acceperit deus animam meam corpus sepeli. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sepelieris [illegible] [illegible] [illegible] honorifice [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] animas [illegible] [illegible] [illegible] [illegible] unde Priamum Hectoris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] mercatus est, quo sepeliendi illud sibi [illegible] [illegible] Aeneid. lib. 3.o ac legitur Carmina. Ergo instauramus Polydoro funus: et ingens Aggeritur tumulo tellus. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cinerem, et [illegible] solute Inferimus [illegible] [illegible] [illegible] [illegible] sanguinis, et sacri [illegible], animamque sepulchro condimus, et magna supremum voce ciemus. Degna materia [illegible] Alex. ab Alex. genial. dier. lib. 6. cap. 14. [illegible] lib. 2.o cap. 2.o Gel. noct. attic. lib. x cap. 18. et Caes. in comm. bell. Gal. lib. 6. [illegible] [illegible] [illegible] antiquorum ritus et instituta in mortuis sepeliendis recensent [illegible] [illegible] [illegible] [illegible] [illegible] ac [illegible]

maxime aut quia [illegible] [illegible] [illegible] [illegible] solutum [illegible]

[illegible] legitime expressa [illegible] [illegible] consueto modo [illegible] [illegible] [illegible] adhiben [illegible] [illegible] 46 [illegible] Barb. [illegible] Beminton [illegible] Rob. Bonon. 43. n.° xi. [illegible]

in q[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] plenissime edisserint. Sed ut [illegible] digressiones [illegible] [illegible] [illegible] causa [illegible] [illegible] si satis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] ipsa [illegible]

[illegible] respondetur 1.° testatorem [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] funus [illegible] [illegible] [illegible] [illegible] [illegible] dignius funus [illegible] [illegible] Satis [illegible] videtur [illegible] quod modo testatoris filiae non [illegible] cum [illegible] honorem [illegible] adhibuerit quia [illegible] indignas [illegible] [illegible] ostenderunt. [illegible] [illegible] funeris [illegible] fecit [illegible] iussit testator non est [illegible] [illegible] excutiendus [illegible] indignus [illegible] tex. in [illegible] non oportet. C. [illegible] his [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] + Quod autem pertinet ad funus D. Stelle [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] cum [illegible] funeris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hereditate [illegible] tex. [illegible] [illegible] [illegible] [illegible] [illegible] ff. [illegible] [illegible] [illegible] [illegible] cons. 122. n.° 15. in 2.° vol. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad trebel. [illegible] [illegible] [illegible] [illegible] hereditariis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] maximi [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] haec [illegible] satis [illegible] huic 1.° petitionis capiti.

[illegible] Loco petiit D. Cath.a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] expenditis in [illegible] [illegible] coloni [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] expenditis in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] probatur [illegible] 24. marti 1567. fol. 28. [illegible] [illegible] [illegible] 12. octobris 1571. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] molendini francatio [illegible] [illegible] 100. [illegible] [illegible] [illegible] [illegible] 1565. fol. 35. [illegible] 2.° [illegible] [illegible] [illegible] [illegible] [illegible] registratoque fol. 88. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hereditate [illegible] [illegible] [illegible] [illegible] [illegible] D. Cath.a [illegible] Rip. in l. [illegible] [illegible] n.° 32. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] restitutionem [illegible] [illegible] [illegible] dotis adeo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] casus in l. si [illegible] ff. sol. ma. [illegible] [illegible] tex. in l. 1. §. [illegible] C. [illegible] [illegible] [illegible] creditor pignus [illegible]

tenuti vendito sed et ex iusta occasione pignoris ut est tex. in l. in summa C. de pign. [illegible] et pro recti. imo tex. in l. in [illegible] ff. de usu. [illegible] tradidit teneri redder [illegible] quod in nostro [illegible] meliorando [illegible] est, nec mirum quia ius dictis est [illegible] cum si non intro[illegible] res in eo esse [illegible]. Ad contraria facillime respondetur [illegible] [illegible] in redemptionem [illegible] molendini [illegible] [illegible] D. Cath. [illegible] ipsa tenuit cum aliis creditoribus [illegible] et [illegible] ex [illegible] [illegible] bonitate petere, quia [illegible] dicta D. in rem utiliter [illegible] [illegible] tate augenda, [illegible] habet [illegible] ex [illegible] [illegible] diversa [illegible] [illegible] sed [illegible] ex causa [illegible] [illegible] [illegible] Ad partitum 18 decembris 1565 [illegible] in [illegible] [illegible] instrumento 2 septembris 1568 fol. 47 [illegible] [illegible] respondet non modo [illegible] [illegible] opinioni [illegible] D. Catherina dum [illegible] ita [illegible] [illegible] libro, et instrumento, ad quod [illegible] utrumque [illegible] [illegible]. Nec forsan arguant adversarii ex [illegible] [illegible] [illegible] [illegible] [illegible] colono [illegible] [illegible] [illegible] [illegible] prioribus, ut [illegible] ad hoc in [illegible] C. fi. C. de usur. tex. in l. in [illegible] C. fam. ercis. [illegible] cum tex. in l. [illegible]. C. de fi. in [illegible] [illegible] in [illegible] 12 octobris 1575 fol. 28 [illegible] in uno [illegible] [illegible] [illegible] solvendi [illegible] [illegible] non [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].

3° loco [illegible] D. Cath.a [illegible] [illegible] ac [illegible] dotalia, [illegible] [illegible] [illegible] dotis [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible] dos fuerit soluta, [illegible] soluto matrimonio [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible] fuerit soluta [illegible] [illegible] [illegible] [illegible] manu [illegible] D. [illegible] dicta D. [illegible] 2° pollicia [illegible] manu [illegible] D. [illegible] fol. 30. [illegible] pollicia [illegible] [illegible] C. F. 3° instrumento [illegible] [illegible] [illegible] fol. 30 [illegible] 4° [illegible] manu [illegible] D. [illegible] [illegible] signata cav. 30 [illegible] 5° instrumento 16 maii [illegible] [illegible] 6° instrumento [illegible] [illegible] 1568 fol. 13. ~~[illegible]~~ ~~[illegible]~~ [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] optime concludit [illegible] [illegible] [illegible] [illegible] [illegible] talis [illegible] [illegible] [illegible] [illegible] [illegible] notoria [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] affirmat [illegible] [illegible] [illegible] [illegible] talis extra [illegible] [illegible] [illegible] notoriam veritatem allegari possit [illegible] ad idem [illegible] [illegible] [illegible] [illegible] [illegible] consangui. [illegible] 20 cum plenis [illegible] [illegible] 20 [illegible] [illegible] [illegible] ostenden [illegible] [illegible] [illegible]

.f. pulli mortuus cadaver miraculosè appellat [illegible] in ds. 50. n°. 21. [illegible]
quod [illegible] librorum [illegible]
[illegible] manu [illegible]
[illegible] alex. in ds. [illegible] n°. 7. [illegible]
2°. [illegible] manu [illegible]
[illegible]
[illegible] in aliud [illegible]
[illegible] confessioni [illegible]
[illegible]
[illegible] col. 2. in prim. vol. Anch. ds. 28 [illegible]
[illegible] n°. 21 [illegible] tex. [illegible]
[illegible] contra tradem illius [illegible] inter cautelas. [illegible]
[illegible] m. l. i. [illegible] eidem [illegible]
l. inter [illegible] n°. [illegible]
[illegible]
[illegible] in [illegible] 13°. [illegible]
[illegible] tex. in l. [illegible]
[illegible] integri. [illegible]
[illegible] maxime [illegible]
nol. [illegible] tex. in l. instrumenta. [illegible]
verosimilia continent [illegible] ideo [illegible]
[illegible] col. fi. [illegible]
[illegible] alex. in [illegible] ds. 54. col. 2. [illegible] col. [illegible]
[illegible] in ds. [illegible] col. fi. [illegible]
[illegible] alias [illegible]
[illegible]
concludit Guid. Pap. decis. 441. [illegible]
sequitur Boer. decis. 105. [illegible] materia [illegible]
[illegible] (Jas. in auth. [illegible] Sicut [illegible]
[illegible] n°. 2. [illegible]
[illegible] n°. v. col. 32. [illegible]
[illegible] per hanc [illegible]
[illegible] tex. in auth. [illegible]
[illegible] matrimonio [illegible]
[illegible] matrimonijs. De p°. est tex.
toto tit. ff. [illegible] col. [illegible] De contradote est tex. in auth. [illegible]
[illegible] toto tit. [illegible] tex. in [illegible] auth. [illegible]
De matrimonio [illegible] quod [illegible] tempore [illegible]
[illegible] mora. [illegible]
[illegible]
[illegible] mora. [illegible]
[illegible] aut est [illegible]

Margin notes:

[illegible]
.17.
[illegible]
.18
[illegible]
[illegible] .21. [illegible]
[illegible]
.17.
[illegible] bona omnia [illegible]
[illegible]
[illegible] in [illegible] tex. [illegible]
[illegible]
[illegible] exactio [illegible]
[illegible] tex. [illegible]
dos. in l. divortio. ff. so. ma. [illegible] supra.
* [illegible]
[illegible] 33 [illegible]
[illegible] casus noster?)

Dos ex mulieris patrimonio [illegible] | [illegible] is patrimonium [illegible] l. iii. §. sed [illegible] et minor. in fi. l. si
[illegible] [illegible] ff. de [illegible] col. ii. C. et [illegible]
[illegible]
[illegible] defendit [illegible]
[illegible]
25. [illegible] non comittitur. | [illegible] fore, quia presumptio est [illegible] mora [illegible]
[illegible] [illegible]
[illegible] dominum esse doctores contra [illegible]
[illegible] [illegible]
20 [illegible] | [illegible] in l. [illegible]
[illegible] soluta [illegible]
[illegible] Cast. in d. l. et [illegible]
17. [illegible] | [illegible] mortui [illegible]
[illegible] cons. 30. [illegible] in 3. vol. [illegible]
Nos autem [illegible] communis [illegible] habemus [illegible]
[illegible] sub [illegible] [illegible] ux. [illegible] soluto [illegible]
[illegible] matrimonio [illegible]
[illegible] p. [illegible] anno [illegible]
[illegible] in tone x. [illegible] addi
[illegible] uxor [illegible] seruicioni [illegible]
[illegible]
[illegible] fidei [illegible] dotis nomine [illegible]
[illegible]
[illegible] manu nobilium [illegible]
[illegible] fuit [illegible]
[illegible] summam [illegible]
[illegible] manum eiusdem [illegible]
[illegible] cons. 88. [illegible] ex aliis [illegible] manu [illegible]
[illegible]
[illegible]
28. [illegible] | [illegible] soluta [illegible] ad summam [illegible]
facta [illegible] in [illegible]
[illegible]
[illegible] ex pluribus ff. de solu. [illegible]
29. [illegible] | [illegible] Barba. in [illegible] in officiis [illegible] 3. [illegible]
[illegible] ex causa [illegible]
30 [illegible] | [illegible] pluralitas causarum [illegible]
[illegible] Cast. in cons. 128. [illegible]
in [illegible] cons. 306. [illegible] quod tenor. col. [illegible]
31. [illegible] | [illegible] in cons. 158. [illegible]
[illegible]
in cons. 108. [illegible] in 4. vol. [illegible] cons. 3. [illegible]

[illegible] in cons. [illegible] vol. sic cum hoc casu et obligatione
[illegible] D. Catherina [illegible] in [illegible] manu [illegible] Jac.
Paroldi not. [illegible] dotibus [illegible] in particula manu q. D. aug. [illegible]
in 1557 [illegible] Januario [illegible] fol. 34. [illegible] solutionis illas
[illegible] ad [illegible] dotis [illegible] ipsis solutionibus [illegible]
[illegible]. Nec obstat [illegible]
[illegible]
requirit temporis insertionem. l. cum taberna. ff. de pigno. ubi Bar. [illegible]
[illegible] Bar. [illegible] fol. 2. [illegible] huius [illegible]
[illegible] l. in [illegible] fr. de. [illegible] Bar. in c. [illegible]
[illegible] ita Corn. in cons. 118. in [illegible] in 3.° vol. Similiter
[illegible] requisitis solemnitatibus, quia [illegible]
[illegible] non sumus in chirographo sed in [illegible] librorum [illegible]
[illegible] dictum [illegible]
[illegible] solemnitatis et [illegible] si quis [illegible]
[illegible] scrib. in l. [illegible]
[illegible] quare notas describunt [illegible]
[illegible] Sed [illegible]
[illegible] solemnitatibus [illegible] adhibendis
[illegible] Inno. in c. [illegible] Bal. in l. et quidem [illegible]
[illegible] cons. in [illegible] 204. col. pa. [illegible] contra [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ne si dotalia [illegible] sua extraxisset [illegible]
[illegible]
[illegible] dotis, quia [illegible] ipsius D. Cath.[illegible] dicta [illegible]
[illegible] in filiis et familia [illegible]
[illegible]
[illegible] patrimonia [illegible]
[illegible] familiae [illegible]
[illegible]
[illegible]
[illegible]
[illegible] cognit [illegible]
[illegible]
[illegible] quod [illegible]
[illegible] D. Cath.ª et tota familia [illegible]
[illegible] Stella [illegible] qualitate [illegible]
[illegible] haec [illegible] ex aliis multis [illegible] ex iis quae inferius [illegible]
[illegible] alio loco [illegible] respondebitur [illegible] q. D. aug. [illegible]

[illegible] dotes [illegible] filiarum [illegible]

[illegible] ex hereditate [illegible]

[illegible] et si ex hereditate aliquid [illegible]

[illegible] ex causa [illegible]

[illegible] non in [illegible]

[illegible] D. Cath. dos [illegible]

[illegible] petitionis [illegible] ut ibi non [illegible] creditum sed
tanquam illi [illegible] in rem [illegible] et [illegible] hereditatis restituatur [illegible] se soluta et [illegible] nob. [illegible] ornat et honestis eius [illegible]
[illegible] D. Aug. ad [illegible] pensionum [illegible] ut habetur in libro [illegible]
[illegible] a die 25 maii usque ad annum 1507 usque ad [illegible]
[illegible] 26. £ 1[illegible] [illegible] D. [illegible] a die 30 [illegible]
[illegible] 1371 £ 141[illegible] [illegible] fol. 75.
[illegible] manu [illegible] £ 5107 – [illegible] quibus omnibus [illegible]
[illegible] manu D. [illegible] ex dicto libro [illegible] fol. 35. 36. [illegible]
[illegible] non diffitetur filia D. Aug. [illegible] ad eas [illegible] non [illegible]
ut fideicommissarias contendunt, sed omnes hoc [illegible] D. [illegible]
[illegible] ut s. dotes filiarum D. Aug. et hereditaria [illegible] excluuntur [illegible]
heredibus, non dicatur nisi [illegible] aut alicui. [illegible]
debitum [illegible] hereditate D. Aug. [illegible]
ut [illegible] ex actu xi. [illegible] 1506 in [illegible] fol. 74. [illegible]
[illegible] fol. 74. [illegible]
[illegible] Gall. 12. [illegible] 20. [illegible]
[illegible] £ 48[illegible] [illegible]
[illegible] hereditate [illegible]
[illegible] non [illegible]
[illegible] respondeo [illegible]
cum curant tam minoris quam maioris [illegible]
[illegible] ubi multa alleg. nihilominus ex iis [illegible]
[illegible] dotis [illegible] sine bonis [illegible]
[illegible]

Marginalia:

[illegible]
Vide [illegible] 30.
[illegible] vindicat [illegible] in vulgaria, [illegible] D. [illegible] dotalia [illegible] hypotheca [illegible] ut habet fol. [illegible] 4. [illegible] causam, et [illegible] ut dixit [illegible] col. 2. [illegible] 180. col. 2. [illegible] fol. [illegible] dicta habere [illegible] in bonis [illegible] D. [illegible] D. Aug. [illegible] in solidum [illegible] per [illegible] sol. ma.

[illegible]

[illegible]

minor [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] lacrimant.

[illegible] minore etate 2° legidur [illegible]

[illegible] fol. 12. [illegible] cum dote, sive alimentis [illegible]

[illegible] eo quod aes alienum totam absorbuisset hereditatem. Porro [illegible]

[illegible] inventario [illegible]

[illegible] dispositione [illegible]

C. de testam. l. fi. C. fam. ercis. [illegible]

[illegible] militibus [illegible]

[illegible] solemnitatis [illegible]

.41.

.42.

.43.

[illegible] bona [illegible] Calca. in cod. 02. [illegible] cod. 99. Sed ex inventario [illegible] bona hereditatis [illegible] omnis culpe presumptio purgata est. Fortificatur [illegible]

[illegible] sancimus. [illegible]

[illegible] sancimus. C. de [illegible]

[illegible] mox [illegible], aut ium.° D. Catherine [illegible]

Nam quod [illegible] in inventario [illegible]

[illegible] natam [illegible] cum sit [illegible] domus, [illegible] in ipsa partita nominandam est. [illegible] in ipsa partita nominato, alia [illegible] 1566. fol. 52. [illegible] 1502. ex dicto [illegible] 91. [illegible] D. Joachim Bellonarii [illegible] facere

redemptio [illegible] D. aug.° [illegible] non fuit in bonis eius [illegible]
mortis, sed [illegible] in [illegible] anno [illegible] non [illegible] nulla [illegible]
[illegible] sub conditione [illegible] minus [illegible] non de [illegible]
fuisse in bonis D. aug.i nisi [illegible] fuisse tempore mortis [illegible]
[illegible] col. [illegible]
[illegible] ex ipsa [illegible]
[illegible] ex [illegible]
[illegible]
[illegible]
[illegible]
aug.i [illegible]
[illegible]
[illegible]
[illegible]
non obstat dimissis fomitia [illegible] ipso [illegible] et [illegible], et quia in [illegible]
[illegible] [illegible] [illegible]
[illegible] non [illegible] quia D. aug.i [illegible]
[illegible] [illegible] in
[illegible] tempore mortis [illegible]
Quod D. Joseph filius [illegible] D. aug.i et [illegible] D. [illegible]
[illegible] exactores in [illegible]
[illegible] quia ad [illegible]
non [illegible] D. aug.i [illegible] partita [illegible] D. aug.i
[illegible]
[illegible]
[illegible] [illegible]
[illegible] ibi [illegible]
[illegible]
omnes [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible] nunc [illegible]
[illegible] ex [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Copula [illegible] et in pecuniis duos denarios

S. [illegible] expedita in [illegible] et [illegible]
[illegible] [illegible]
[illegible] fol. 35. et 36.
[illegible] fol. [illegible]
[illegible] et [illegible] in
[illegible] et fol. [illegible]

Quae expensa [illegible] necessaria sint [illegible] [illegible]
[illegible] tamen [illegible] [illegible] parte. Haec [illegible]
[illegible] utrarumque [illegible] esse, quia sicut se referunt sorores ad ea, quae
obiecerunt contra 4m caput [illegible] ita D. Cath.a se refert ad responsio-
nes supra factas in 4o capite.

6o procedit D. Cath.a expensas dictim et minutim factas [illegible] cum
[illegible] in alenda numerosa familia, quae fuit diversis temporibus ad nu-
merum 5. a morte [illegible] Aug. [illegible], quae expensae [illegible] alimentorum [illegible]
ex [illegible] in processu fol. 57 [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in uno [illegible] subinde in tri-
[illegible] omnia [illegible] [illegible] [illegible] [illegible] ex [illegible]
[illegible] [illegible] [illegible] causa [illegible] [illegible] fuit, quia cum non
[illegible] [illegible] ferre [illegible] [illegible] [illegible]
[illegible] [illegible] paulatim [illegible] exhausta [illegible] [illegible]
mirum si D. Cath.a [illegible] [illegible] [illegible]
alenda, et vestienda, victis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in hereditate [illegible]
[illegible] [illegible] [illegible] [illegible] 4 Auem [illegible] 5 Milit [illegible]
[illegible] duc. [illegible] in [illegible] [illegible] affictu [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] fructus non fuerunt sufficientes alimentis [illegible] [illegible]
[illegible] quicquid [illegible] [illegible] [illegible] Nempe quia negatur [illegible] anno
[illegible] [illegible] [illegible] [illegible] [illegible] Stella [illegible] filia exegisse [illegible]
[illegible] [illegible] [illegible] [illegible] tametsi sufficiat cum nihil in [illegible]
[illegible] [illegible] [illegible] [illegible] affirmativa [illegible]
[illegible] in l. hoc iurus. ff. de [illegible] et demon. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
cons. 3 col. 3 [illegible] ac [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] eiusmodi [illegible] [illegible] quod 9 [illegible] aug. [illegible]
[illegible] [illegible] [illegible] [illegible] fuit 14 augusti 1565
[illegible] non dum collectis fructibus obierit, dicendum esse [illegible]
[illegible] illius anni [illegible] [illegible] pertinuisse, pro ad illius [illegible]
[illegible] [illegible] [illegible] in [illegible] hoc [illegible] non [illegible]. [illegible]
est expedita, quod fructus [illegible] [illegible] Nam [illegible]
sunt [illegible] fructuarius [illegible] ante tempus, [illegible] Si modo collecti
[illegible] in l. [illegible] [illegible] usufruc. [illegible] in l. [illegible] [illegible]
[illegible] de anno [illegible] civil. vel fiscal. [illegible] in l. si usufructuarius ff.
[illegible] usufruc. [illegible] Bar. in l. [illegible] ff. de [illegible]
[illegible] [illegible] [illegible] quod si [illegible] [illegible] [illegible]
[illegible] [illegible] fructus ipsos, sine [illegible] [illegible] [illegible]
ad [illegible] [illegible] [illegible]. [illegible] in l. in [illegible] ff. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hac huius [illegible]
[illegible] domi. ac in [illegible] l. divortio n.o 12 ff. sol. mat. quod fructus

[illegible] ... dicta continentium ...
[illegible] ut [illegible] clericus [illegible] nisi [illegible]
iam in homo [illegible]
[illegible] successori [illegible]
[illegible] et ad hoc [illegible] uidenda [illegible]
[illegible] contra [illegible] qua in
[illegible] tamen ex [illegible]
ut [illegible] clara non necessaria. Ad confessionem [illegible]
[illegible] unde non [illegible] est [illegible]
Caeterum [illegible] sufficientis ad ale-
dam [illegible] soluenda [illegible] si modo [illegible]
maritorum filiarum [illegible] aug. familiam [illegible]
[illegible] alimentorum expensae fiunt [illegible] facultates [illegible]
[illegible] editionem [illegible] filiae [illegible]
7. [illegible] petitionis [illegible] continens laboris et [illegible] aug. [illegible]
et ultra [illegible] Catherinam prestita a morte [illegible]
[illegible] ad obitum dicti [illegible] aug. 1565. [illegible]
[illegible] aug. eo tempore senio confectus inualidissimus fuit [illegible]
[illegible] laborauit, in qua eadem [illegible] Cath. illi [illegible]
[illegible] pulmonis [illegible]
suscipiendo, ut [illegible] obsequia [illegible] omittere [illegible]
[illegible] esse non [illegible] quam in [illegible] apostolus [illegible]
sic dicentis. Quis militat suis stipendiis? quis plantat [illegible]
[illegible] non comedit? Quis pascit gregem, et de lacte gregis non [illegible]
numquid secundum hominem haec dico? An et lex hoc non dicit? [illegible]
[illegible] Non [illegible] os bouis [illegible]
[illegible] an propter nos utique hoc dicit? Nam propter nos scripta sunt [illegible]
[illegible] et qui triturat in [illegible]
[illegible] seminauimus magnum [illegible]
si alij potestatis [illegible] sunt [illegible] nos? Sed non usi [illegible]
[illegible]
[illegible]
[illegible] qui plantat et
rigat unum sunt, unusquisque autem mercedem propriam accipiet secundum suum labo[rem]
ad quod est [illegible] pastoralis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad Rom [illegible]
[illegible]
[illegible]

[illegible] modo [illegible] sed et cuctis reddere unicuique [illegible] mercedem [illegible]
[illegible] nullique bonum [illegible]
[illegible] ut apud Boe. de cons. philos. lib. 3. pros. 1.

[illegible] superest [illegible] cui [illegible] sibi adiudicari [illegible],
et trebellianica ei ex persona [illegible] dicas [illegible]
[illegible] D. [illegible] Quod [illegible] ostendimus. nata est D.
[illegible] 1552. 23. septembris. ut ex [illegible] 52. mortua vero 23. maii
1571 [illegible] et sic vixit annis 12. mensibus 8. [illegible] inde ab intestato
[illegible] successit mater [illegible] dispositione [illegible] sub [illegible] 145. et succes.
ab intestato [illegible] communis [illegible] l. 1. et auc. et
[illegible] solis [illegible] ad tertul. et [illegible] illud [illegible] successit mater
filius [illegible] [illegible] sicut [illegible]
[illegible] legitima et trebellianica [illegible] D. an.
[illegible] D. Catherina [illegible] locum [illegible]
in ius [illegible] l. [illegible]
[illegible] l. quadam [illegible] nihil [illegible] et substituti
[illegible] cuius locum subrogatur [illegible] ut lit. [illegible] l. [illegible]
[illegible] si [illegible] Quod autem legitima et trebellianica
[illegible] D. [illegible] quodque ius [illegible] illas ad matrem transmiserit
[illegible] quidem quia legitima non minus [illegible] filii [illegible]
[illegible] fuerit ipsi filio [illegible] auc. novissima [illegible] test. [illegible]
in cons. 53. nº 4. [illegible] nulli [illegible] dubium [illegible] legitima [illegible]
[illegible] vel [illegible]
[illegible] sub potestate patris [illegible]
1. §. suos. ff. de suis et legi. [illegible] legitima [illegible] detrahitur
[illegible] in bonis [illegible] ita communiter [illegible] doc. in l. [illegible]
[illegible] ad treb. [illegible]
[illegible] nº 25. et cons. [illegible] nº [illegible] si plures 4. filiis fuerint legitima est dimidia bonorum
auc. novissima [illegible] trebellianica [illegible]
[illegible]
[illegible]
[illegible] nemo [illegible]
[illegible] nº [illegible] Alex. cons. 68. nº 3. vol. 4. [illegible]
addidit Crav. in cons. 50. [illegible] loco satis dubitabile [illegible]
[illegible] legitima et trebellianica plus dimidia [illegible]
[illegible] legitima ex nº [illegible]
[illegible] ius fuerit transmissum ad D. Cath. [illegible]
[illegible] l. [illegible] in prin. [illegible]
in cons. 312 nº [illegible] relatis [illegible]
[illegible] Deci. cons. 81. col. 1. [illegible] cons. 103. in prin. et alibi [illegible]
doc. [illegible] quod [illegible] ad [illegible]
[illegible]
[illegible]
[illegible] in [illegible]

[illegible] Deci. cons.
[illegible] cons. 158. in 3º
col. [illegible] cons. 300. [illegible]
cons. 71.

[illegible] [illegible] acceptauerit [illegible] [illegible] [illegible] in [illegible] [illegible] conditione inui.
[illegible] [illegible] legitimae [illegible] respondit satis legitimam imputatam esse
fuisse, prout supra extitit [illegible] anno [illegible]. Contraria [illegible] glo. in auc.
nisi cum testator. C. ad l. falci. et glo. in auc. hoc amplius. C. de fideico.
[illegible] in l. [illegible] §. si quis [illegible] C. de uer. et lib. [illegible] ff. ad expectionem [illegible]
tam legitimam non [illegible], nec qua iure naturae [illegible]. licet [illegible]
[illegible] glo. in corpore [illegible] [illegible] d. auc. nisi cum testator [illegible]
[illegible] [illegible] Ang. in d. auc. nisi cum testator [illegible]
[illegible] [illegible] in corpore tenet et Salic.
in §. si quis. et Roma. in [illegible] auc. similiter. C. ad l. falci. doctores
uero diuersam sequi partem quam [illegible] Gaba. secutus est consulendo in
cons. 10. col. 3. uers. [illegible] in 4. col. quo loco contraria [illegible]
[illegible] similiter ut supplua omittatur [illegible] [illegible]
nec et trebellianica [illegible]. ita tenuit Corn. in cons. 22. n. 37. cum quibusdam
sequ. in 2. col. ubi late disputat ad partes [illegible] [illegible]
[illegible] [illegible] idem tenuit Alex. in cons. 67. in 4. col. qui communem
opinionem esse dicit, ut non [illegible] trebellianica. doc. in l. [illegible] ff. ad trebel.
et Rota deci. 3. [illegible] hanc [illegible] ita dubio dicit, ut principis [illegible]
[illegible] hanc eandem sententiam tenuit glo. in auc. hoc amplius [illegible]
auc. Bar. in d. auc. nisi cum testator. [illegible] cons. 134. [illegible]
[illegible] unde si uera est haec pars, quam Alex. [illegible] communitatis [illegible]
[illegible], secunda est [illegible] [illegible] dubium [illegible], id quod negari non potest, [illegible]
[illegible] iudicandum [illegible] minoritati [illegible] D. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] D. [illegible] ex filia [illegible] [illegible]
[illegible] [illegible] ex his satis remanet [illegible] [illegible] D. [illegible]
et [illegible] [illegible] fouere causam in omnibus [illegible] [illegible]
non destantibus his, quae in contrarium filia D. [illegible] [illegible]
Nunc uenio ad petitiones, et [illegible] [illegible] D. [illegible]
tini, quae in effectum petierunt [illegible] 3. fideicommissum [illegible] [illegible]
[illegible] D. [illegible] 2. dotes seu residuum [illegible] [illegible]
[illegible] dotalibus. 3. portionem dotis [illegible] D. [illegible] [illegible]
inspecto liberorum n°. Circa primum non negat D. Cath. [illegible]
[illegible], sed facundas prius detractiones [illegible] quae ipsa [illegible]
[illegible] [illegible] [illegible], quae dicta D. Cath. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] sunt detrahenda, ipsa [illegible]
[illegible] [illegible] [illegible], et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] legitima [illegible]
[illegible] [illegible] [illegible] restitutionem fideicommissi [illegible] [illegible]
heredem grauatum, uel apud illius heredes. [illegible] in l. Papinianus §. [illegible]
[illegible] ff. de inoff. testa. [illegible] C. ad l. falci. [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

nõ [illegible] corus imperii. ut d. § [illegible]
in [illegible] Et moss. [illegible] ac l. omnimodo. co. ti. no. in d. [illegible] Iznutius,
[illegible] raynaldus & tistam. Jterum aut dom. [illegible]
[illegible] habet. D. Cath.a [illegible] prestationis suarum [illegible]
[illegible] legitima [illegible] dotalium per ea, que tradunt Bal. in cõs. iii. nº
col. [illegible] Oc. in cõs. 235. nº 7. [illegible]
[illegible] 84. [illegible]
[illegible] nº 300. [illegible] 308. Nec di [illegible] D. Cath.a contravenjat voluntati
testatoris quia hoc minime [illegible] sed [illegible] sua fuit [illegible]
[illegible] Circa 2m dicendum et dotes ipsas [illegible]
[illegible] patrimonij. [illegible]
[illegible] minuendas sicuti D. [illegible]
dotis [illegible] toto tit. [illegible] moss. [illegible]
[illegible] ambiat [illegible] illud est ius
legitimam sicuti ex supra statutis assumit. Oportet itaque dotes [illegible]
[illegible] dicte filie [illegible] successionem [illegible]
[illegible] parti ipsius est [illegible]
[illegible] collatione [illegible] l. filie [illegible]
[illegible] collatio facienda est nõ in successione [illegible] in successione
ex testamento. per tex. in auc. ex testamento. C. de colla. [illegible] filia quidem [illegible]
[illegible] l. iij. l. [illegible] dote [illegible]
[illegible] l. ij. C. eo. [illegible]
[illegible] l. dotis [illegible] hoc ius [illegible]
[illegible] l. si maritus [illegible]
[illegible] l. filia. la. 2. [illegible] et hanc collationem [illegible]
sunt & plano [illegible] ad dotes ipsas [illegible]
[illegible] sunt. l. certi. C. famil. ercis. in fin. Ultima superest dicturum
filiarum [illegible] portionis f. bonorum seu dotis [illegible] Cui duobus modis
[illegible] primum nõ [illegible]
[illegible]
[illegible] quia [illegible]
bona [illegible] totum [illegible]
[illegible] prius [illegible]
[illegible] propter possent.
[illegible] pact.
[illegible] placentie [illegible]
[illegible] et in nris terminis quod filia [illegible] dote
[illegible] in cõs. 67. in 4º col. [illegible]
bona [illegible]
[illegible] col. 5. in 3º col. [illegible] in cõs. 20 [illegible] totum in 3º col. [illegible]
[illegible] D. Laura mater [illegible] mortua [illegible]
[illegible] filia [illegible] bonis [illegible]
l. [illegible] non modo [illegible] ff. de verb. ob. [illegible] cõs. 155. [illegible]
[illegible] cõs. 17 col. 2. in [illegible] omnibus [illegible]
ex [illegible] sicuti [illegible] hac sit satisfactum. L. D.

am. De Rubeis [illegible]

[illegible]
collatio dotis [illegible]
parte [illegible]
filia [illegible]

✝ 3

Exec. ante sententiam nō facienda.

Sequestratio odiosa ...

[e]xecutionis enim obtinet sequestratio, ut movuit. franc. Curt. in l. i. n.° 75. in 22. q. C. de prohib. sequ. pecu. Executio autem ante sententiam nimis properé fit l. i. C. de exec. rei iudi. quia ab executione minime et inchoandum, cum ordine praepostero. Nimirum esse si semper omnibus incidentibus sequestratio odiosa et abolita, et a legislatoribus prohibita [illegible] l. i. C. de sequ. pecu. sive de rebus mobilibus sive de immobilibus sive de rebus corporalibus sive de incorporalibus, sive de personis, sive de spiritualibus fiat. [illegible] c. a. d. [illegible] doc. in c. examinata, [illegible] glo. ibi. et iudi. glo. et doc. in c. ij. in [illegible] fructus sequestrari. de sequestr. poss. et fruct. ubi Abb. et Hosti. in c. fi. eo. ti. Saly. et Bal. in [illegible] l. i. Jo. [illegible] relatus a [illegible] in c. locupletari. de reg. iur. in 6.° in [illegible] Andre. in c. [illegible] xi. q. i. in glo. et doc. in l. si fideiussor § fi. ff. qui satisd. cog. et in l. imperatoris § fi. ff. de alien. [illegible] in c. [illegible] in d. l. i. Ex his satis constat sequestrationem factam ad instantiam Locatellorum et Clemonia [illegible] ~~[illegible]~~ in manibus Pichinninorum debitorum D. Anne uxoris et franc.i [illegible] sustineri non posse et tanto minus quia nunquam sequestratio permittitur, nisi de [illegible] et [illegible] publicum in [illegible], ut apud Bal. in l. ne [illegible] sub n.° 5. C. de [illegible] et cens. lib. xi. In casu autem de quo agitur [illegible] D. Annam esse creditricem [illegible] Pichinninorum eius avunculorum duc. 55. [illegible] causa dotis [illegible] sibi, ut [illegible] filiae unicae [illegible] et nullo legitimo credito Locatellorum apparet, saltem tali [illegible] procedere contra D. Annam, et [illegible] Pichinninos eius debitores maxime [illegible] sequestri, omni iure, [illegible] improbari. Quinimo [illegible] si de credito Locatellorum constaret, quodque D. Anna ad illius solutionem teneretur, adhuc obstare eis [illegible] procedentibus [illegible] ordine [illegible]

executio quo ordine facienda.

[illegible] excussionis. Exequendo quidem prius in mobilibus, deinde in immobilibus fuit exequendum, et ad nomina debitorum non procedatur nec illis [illegible] nisi cum nec mobilia extent, nec immobilia, sicuti est tex. in l. a divo pio. § in venditione. ff. de re iud. [illegible] id quod et constitutio nostra [illegible] sub rub. 85. de execu. sent. [illegible]

[illegible]

[illegible] l. [illegible] C. de [illegible] [illegible] inutile sit quod [illegible] l. i. C. de [illegible] in [illegible] C. de [illegible] Sequitur executionem attentatam ante sententiam contra D. Annam nullam esse, et tanto magis cum facta sit omissa excussione bonorum mobilium [illegible] et si [illegible] immediate ad nomina debitorum [illegible], quod de iure [illegible] esse. Nec obstant [illegible] [illegible] Locatelli pro sustinenda [illegible] sequestratione et [illegible] sententia [illegible] in 1562. 22. aug. ut dicitur [illegible]

Petri Locatelli et D. D. Catherinae nurus D. Annae et quae in primo iudic.
quamdiuquidem viveret non controversia timent nec D. Catherina cautione praestita,
et consumata hereditate et bonis q. D. Ant. Locatelli eius viri, et clarum fuit tem-
pore eam cavere pro viduo. Attento tamen ex bonis q. D. Ant. valoris immobi-
lium [illegible] dotium [illegible] domini ipsius D. Catherinae. At auc
et quale fuerit [illegible] ne [illegible] si [illegible] nec istae
cautione [illegible] nec si [illegible] dictum [illegible]
[illegible]
[illegible]
[illegible] Locatelli procedere ad [illegible]. Non est obstans
[illegible] executionales 22 Junij 1507 fol. 7 [illegible] quia licet ex eis [illegible]
[illegible] Locatelli in possessione [illegible] q. D. Ant. [illegible] tamen [illegible]
et contra fuerit [illegible] non [illegible] nec est ex eis probat [illegible]
vel [illegible] aut [illegible] q. D. Catherinae. Praeterea [illegible]
[illegible] dictis Locatellis est assignata, quod [illegible] D. Annae, [illegible]
[illegible] hereditatis, [illegible] salvo [illegible] vel
[illegible] dotis [illegible] et [illegible] alimentis [illegible]
[illegible] traduntur. Accedit quod [illegible]
[illegible] et hereditate [illegible] D. Anna [illegible]
[illegible] D. Anna [illegible]
[illegible] ex causa dotis [illegible]
[illegible]
[illegible] inter ipsos Locatellos et [illegible] Bap. [illegible] de [illegible]
[illegible] inter diversas personas quae [illegible]
[illegible] D. Annae [illegible]
[illegible]
[illegible]
[illegible]
[illegible] fides illa [illegible] 20 [illegible]
[illegible] 1568 fol. 9 [illegible] quia illa fides [illegible]
[illegible] fides non [illegible]
[illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible] quia hoc non allegat. Aut [illegible] ex [illegible]
[illegible]
[illegible] cum [illegible] Anch. cons. 399 col. [illegible]
Paul. Castr. 46 [illegible]
[illegible] in cons. 171 [illegible]
[illegible] martij 1564 fol. [illegible] quia [illegible]

Bap.[m] Victorini, tum quia est inter alios, tum quia refert ad predictas litteras 22 Junij 1567. ex quibus litteris non fuerunt amotio, et assumptio illa hereditatis q. Ant.[i] facta a D. Cath.[m] sicuti nec per eam ipsam sententiam et si fuerit (quod nullo modo admittitur) adhuc contra pecunias D. Anne ...

[illegible]

... Locatelli ... D. Anne ... D. Catherina ... Victorini ...

... Si quid ergo amotionis praetendunt Locatelli ... contra Victorinum ...

... facta fuit amotio (id quod ignorat D. Anna) dubio procul credendum est ... ad manus D. Anne, que in infantili aetate constituta fuit, et semper in domo Locatellorum nunc eius adversariorum permansit ...

... De quorum quidem Locatellorum impietate immediate constat ex petitione D. Anne contra vos

porrecti, que petit citari in iunis, et curijs bonis, et ex signum
attorhedicentur ctis nec ex minus curie consecuti, et sic nudi victi cu
invidit, et ubi minor, et ubi femina, et ubi victa est submittendo
mediare revocatione asseri requisitii nulla, et sic servabis servandis
et in spir imperari ad ipsa, tanquam cauta incurens fame recedit. Salvo p
cuiq iure si quod competit locarellis contra pretorium, et aliter, et nec
adiungi que et iure sicuti ipsa extrinsecus, et in tua declaratione cum ex
ponens, omni meliori modo & c. 2. D.

f. Ioan. et Kabris cursin, notarii calam

Nob. Antonius maninus fideiussit pro ... de furiano ... fuit extraordinarie electus Caballarius, postea fuit loco ordinarij electus, non repertis fideiussoribus, an ista fideiussor pro falimentis leonardi praedicti teneantur, quaestio ista uidetur prima facie dubia ... ad emendum ... locare operas suas, modo sic in locatione operum leonardi pro extraor. uidetur locare ... cum eligitur ordinarius, et ... uidetur ... in termino ... cum ... locat. et ... legem ... comprobari uidetur negatiua a sufficienti partium enumeratione ... aut locatio ... extraordinarij est diuersa a locatione et conductione ordinarij aut est eadem, si diuersa; nulli dubium, quod fideiussio in uno casu non trahitur ad diuersum cum sit materia stricti iuris, et ... in illo tantum casu in quo ... expressit ut ... sit ... fideiussor aut est idem locare et conducere operas ordinarie, et extraordinarie ... ita quod fideiussor ... acceptum ... ita ... facto ... de pacti ... est quod consuetudo ... nulli ... inducitur ... ut ... iurisconsultus cum dicit usu receptum est, et alibi usu receptum est, et hoc ... modo sic per plures litteras Ser.mi Principis Venetiarum apparet quod in prorogatione solutionis ... ergo clara dici potest ... quod in casu ... et ... easdem ... fideiussores ... in casu nostro non ... seruatum, ita uidetur dicendum fideiussorem amplius ...

[illegible]

unde cum dantur ordinario prorogatiue [illegible]
[illegible] et eundi p̄niie nihil [illegible]
[illegible]
et multo magis cum ordinario, qui si uoluerunt sine hono-
re non conueniunt q uolint et cum honore, et maiori sua
[illegible] q non fit noua obligatio, neq nouus
[illegible]
succedit causa [illegible] iure nouissimo [illegible]
[illegible] nouatio nisi fuerit expresse dictum [illegible] hec [illegible]
[illegible] in termino in l. fi. C. de nouat. solet a doctoribus
in locis infra allegandis allegari [illegible]
[illegible]

[illegible]

[illegible] an nō sit nouata ut [illegible]

[illegible] ita q. incumbatur [illegible], et [illegible] in a[illegible] ualennans
[illegible] inter easdem p[er]sonas, et
[illegible]
[illegible] clare dicendu e[st] q. non [illegible] saltim
[illegible] si cum [illegible]
[illegible] tenet [illegible]
[illegible] facto [illegible]

Minus obstat arg[umentu]m [illegible] non [illegible]
[illegible]
[illegible]
[illegible]
[illegible] nouatio [illegible] nouet [illegible]
[illegible] instituit [illegible] obligat et Docto. [illegible]
[illegible]

Minus obstant [illegible] q. [illegible] temporis
prorogatione debeant [illegible] fideiussores, quia ex [illegible]
eorum que tacite insunt, non minus [illegible]
illud declaratum [illegible] q. fideiussores ratificent
[illegible]
teneat [illegible] ac [illegible]
sunt obligati, ita et ipsi ratificent, ne possint conqueri
q. tunc et non nunc essent soluendo, et sic declarat q.
non fiat [illegible]
q. [illegible] q. [illegible]
[illegible] et sic obiectum consuetudinis non obstat cum
hoc non sit dispositio seu consuetudo sed modus declaratiuus, immo si [illegible] consuetudine iudicandu est que [illegible]
[illegible] ut [illegible]
[illegible]

fidem [illegible] et [illegible] [illegible] uel [illegible] et sic
plene [illegible]

[illegible] igitur concludendo [illegible] nos [illegible] maninum tenen
per [illegible] no dubito me [illegible] remit-
tendo. [illegible]

Sequemur doctissime, et auctoratissime firmata [illegible] [illegible] [illegible] [illegible]
[illegible] sunt et optime [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex illa [illegible] principali quod [illegible] [illegible]
[illegible] absque illa [illegible] [illegible] [illegible] apud omnes prudentes
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Alex. de
.72. in 6 col. [illegible] [illegible] [illegible] fideiussorem [illegible]
[illegible] in [illegible] casu [illegible] [illegible] potuit. [illegible]
in cons. 93. n. 5. [illegible] quod qui fideiussit [illegible] soluto [illegible]
[illegible] fideiussor, [illegible] [illegible] tempus tenebatur [illegible] fideiussor
[illegible] [illegible] [illegible] Maninus [illegible] fidei-
[illegible]
[illegible]
[illegible] ordinarie ordinarii [illegible]
[illegible]

3. Fideiussor [illegible] [illegible] [illegible] [illegible]

4. [illegible]

[illegible]

+

Satis dubia videtur hec facie causa, que controvertitur inter Q. Roccum Massarum et Pavlilis fratres, parte ex una ac eorum filii q. Q. Petri et Pasqualinis et eodem loco parte ex altera: Hinc inde etenim multa fuerunt adducta confirmatia et refbantia iura utriusque partis sed deleraque fuerunt omissa, que causae decisionem facilliorem reddidissent; sed quoniam iudex ex adductis et allegatis non ex omissis iudicare tenetur, iuxta tex. in l. illicitas. §. veritas. ff. de offi. pre. etc. si recte iura partium cum allegationibus iuris utriusque partem mihi exhibitis et si oculus me non fefellit diu in rem tamen erit cogitavi, haec puto, que mox subijciam dubium facere in hac causa, quibus adductis et resolutis, quid sentiam brevioribus quam fieri poterit aperiam.

Primo itaque ex parte Massarorum adducitur chirographarium concordii initi in igitur sub die 18. februarij ratificatum in secessu fol. 2. et manu D. Pauli Pisocini exaratum et mandato utriusque, quod in eum pacti observandum est. l. 1. ff. de pac. l. no minorem. C. de transac. l. ex empto. in princ. ff. de act. emp. et §. per traditionem. insti. de rer. divi. cum alijs sim. etc. in isto autem concordio continetur, in quis quisque fabricet in andito, seu porticu communi, sed quod remaneat liber ita ut cuicumque ipsorum partium ire et redire liceat quandocumque, nullo obstante impedimento et cum scale per Pasqualinos excitate fuerint impeditivas porticum eo quod per unius pedis spatium protendunt etc. contestant Massarini eas fore adiecto pacto, quod si in futurum iter, vel actum impediret, amoveantur, si cui Pasqualem amoveri contestante. Hoc acto, quod in terim quicquid damni contigerit in istis scalis ex plaustrorum actu, id totum cadat in commodo ipsorum Pasqualinorum, qui proprijs sumptibus scalas ipsas instaurare, pro venirent, se obligant. Hac in effectu est mens, et continentia dicti concordij, a quo itaque a communi praeiudicio recedere non licet l. in tantum. §. in commune. ff. de rer. divi. l. in dic. ff. de aqu. plu. arc. nec facti proprij quicumque contravenire potest. l. si quis in conscribendo. C. de pac. et lex. cum alijs concor. unde ni mirum si amovende sint scale cum actum impediat.

2o adduci potest pro eadem parte, quod etiam si chirographarium concordium praedictum non subsisteret, adhuc scale amovende forent, quandoquidem iuris aperta est dispositio, quod in communi loco nemini quicquam licet construere per quod iter, aut actus intercludatur, nec uique licitum est locum impedire, qui alteri servitutem itineris, vie vel actus debeat. tex. est in l. sabinus. ff. commu. divi. l. certo loco §. 1. ff. de servitu. rusti. prae. et in l. loci corpus. §. si quis mihi. ff. si servi. vindi. et fuit itaque tex. in l. pariecem. ff. de servi. urb.

[illegible] habere [illegible] comunis [illegible]
[illegible] apud [illegible] [illegible]
tex. in l. quidam iverus. ff. de servit. urb. praed. in princ. et tex. in l.
[illegible] nihil in comunem pariete alterum ex socijs facere posse [illegible]
[illegible] tex. in l. in re comuni. ff. de servit. urb. praed. [illegible]
[illegible] in princ. [illegible] ubi [illegible] in re comuni
[illegible] unus quisque [illegible] alterio invito, nec in area, nec in pa-
riete [illegible] [illegible] eo quod [illegible]
nos aedes vel e contra. et tex. in l. unus. ff. de servit. rust. praed.
[illegible] unum ex socijs comunem locum servum, aut liberum
facere. in quem sensum sunt et alii [illegible] praetermittunt

[illegible] ex visione loci [illegible]
[illegible] [illegible] scalas. unde dubia redit [illegible]
[illegible] 20. annis [illegible]
in quo reperitur, an [illegible] in dubio fundus li-
ber praesumatur. l. altius. [illegible] Pau. cast. et alij. [illegible]
[illegible] l. [illegible] ff. quod vi aut clam. [illegible]
domus. ff. de [illegible] l. cuius. ff. de servit. urb.
praed. l. in [illegible] servitutem [illegible] de servit. et aqu. [illegible]
in hoc dubio pro libertate iudicandum [illegible] in c. nimis. de iurei.
[illegible] ut tradit Alex. in cons. [illegible] in princ. in [illegible] vol. et cons. [illegible]
vol. Pau. cast. in cons. 267. in causa, quia magni ficus. in prin.
multa [illegible] Deci. in cons. 48. n. 7. in 3. vol. quoniam in [illegible]
in meliorem partem est inclinandum [illegible] tex. in l. [illegible] in l. nullus. [illegible]
[illegible] ff. de lib. et [illegible] maxime [illegible]
[illegible] chirographum [illegible] supra [illegible] scalas modo
[illegible] in [illegible] fuisse, et tunc [illegible]
si chirographum [illegible] unde [illegible]
[illegible] 30. annis eo loco stetisse, sed et alijs [illegible] et [illegible]
[illegible] iudic[illegible]
[illegible]

[illegible] his medijs [illegible] sed [illegible] amonij
P.º [illegible]
[illegible] privatae scripturae dubio [illegible] adhiberi [illegible] id quod [illegible]
[illegible] tramite [illegible] fidem [illegible]
[illegible], sicuti est tex. in l. exemplo. et in l. [illegible] C. de [illegible]
iuncta auth. quod obtinet [illegible] at si contractus. C. de [illegible] in l. admonendi. ff. de iur.

8 cautum [illegible]

nuir. Quod verum est etiam si scriptus publicum gerat [illegible] et [illegible]
in d. l. admonendi. n.° 121. et Barum. d. [illegible] si [illegible] sal.
in l. [illegible] in bonae fidei. C. de [illegible] [illegible] in c. ij. de [illegible]
in l. nuda ratio. ff. de dona. Bal. in rub. C. de fi. instru. in l. i. C.
de eden. ac in l. [illegible] Galle. ac Saly. in d. l. inter [illegible] et in
l. i. C. de eden. [9] [illegible] admonendi. Tanto magis quia ipsum chirographum non habet [illegible]
[illegible] subscriptionem et alias solemnitates de quibus in l. scriptura
ff. qui pot. in pign. habe. de qua ne latius videndi Doc. mod. in d.
l. admonendi, et est particulare statutum Parisiense [illegible] quod [illegible]
datur scripturae privatae cum trium testium subscriptione. et constit.
patriae Rub. 54. de literis obligat. [10] [illegible] Nec partes facere possunt, quod
privatae scripturae [illegible] adhibeatur, si non solemniter sit confecta.
Inno. in c. cum p[ro]tabellio. de fi. instru. Bal. in l. in quibus. C. de testi.
et Rom. in cons. 204. col. 1.ª Immo cum in ipso chirographo dicatur
partes convenisse, quod non ipsae modo, sed et duo testes subscriberent
[illegible] tamen [illegible] non [illegible] [illegible] [illegible] partes [illegible]
[11] Forma [illegible] formam concordiae [illegible] quod forma dicitur quod principaliter [illegible]
tum, quod dat [illegible] in l. qui Romae. §. Flavius. ff. de verb. oblig.
l. [illegible] §. siquis. ff. ad exhib. et tradit. 4. [illegible] in l. i. §. sed si
[12] omnia esse ex forma [illegible] [illegible]. n.° 8. ff. de verb. oblig. quia omne esse est ex forma.
ut not. in c. in civitate, de usur. [illegible] in rub. de [illegible] eccl. [illegible] cons. 138.
[13] Forma [illegible] ad fi. [illegible] in c. cum contingat. n.° 250. de iureiur. [illegible] forma [illegible]
[14] [illegible] [illegible] [illegible] aliter. [illegible] iij. [illegible] ff. de appel. [illegible] non [illegible]
[illegible] l. ij. §. fi. l. constitutionibus ff. ad municip. [illegible] forma. ff.
de censi. l. [illegible] ff. de admi. tut. l. forma [illegible]
[15] forma [illegible] agitur [illegible] [illegible] [illegible] ad l. falci. [illegible] si forma
omittatur non tenet quod agitur [illegible] si in minima parte omittatur
[16] [illegible] omitti secundum commu. opi. quam tenet Bal. in l. [illegible] ff. de lib. et post. [illegible]
Deci. in cons. xi. n.° [illegible] cons. 466. n.° 14. ac cons. 532. [illegible] si iusta causa
omittendi subesset, ut [illegible] Bal. in d. l. i. et in l. humanum.
C. de legi. Alex. cons. 137. col. 4. et cons. [illegible] col. fi. in 4.° vol. Paris.
[17] Etiam forma privata utilitati [illegible] cons. 40. col. i. in 3.° vol. et cons. 33. n.° 29. in 2.° vol. Etiam
si forma respiciat privatam utilitatem, ut [illegible] glo. in c. dispendia
in [illegible] [illegible]. de rescrip. in 6.° quam sequitur, et communiter
[18] [illegible] approbari ait Crot. in l. nemo [illegible] n.° 23. ff. de leg. 1.° in casu
ergo de quo agit Forma data in chirographo declarat [illegible]
[illegible] [illegible] [illegible] obligationem [illegible] [illegible] Bal. [illegible]
aliis in l. non codicillum. C. de testi. et Bar. in l. i. §. [illegible].

quod cuius quamuis ... cum alijs ...

2.º adducitur pro hac parte, quod etsi subsisteret chirographum ratione solemnitatis, adhuc illud probare non esse sufficiens cum pro uno tantum teste sit ... cui est Massanorum ... et ... in ... quod in ... anno ...

... omni ... in nullus.

Primum dictum confirmatur quia testis unus testis nullus. l. iurisiurandi. et l. testium ... et testis ... in ore duorum uel trium stat omne uerbum ... Deut. cap. 17. ... Math. cap. 18 ... cum testis ... non esse affirmat ... in 2.ª ... Cardinalis ... in pr.º col. tanto minus ... sit affinis productiis Massanorum. l. ... testis ... in l. parentes ... et testis ... quod in chirographo dicitur, quod si in ... facultas ... Antonius Pasqualinus ... Massanorum ... dimittit ... Pasqualinorum ... in ... C. de ... uia ... uti ... in ... amouerentur uidetur ... quod ... mento ... l. cum praetor ... et iudic. ... et ... si ... impedimentum tandem Massanum ... tacuisset.

3.º Pasqualinum tibi uidetur praescriptione non modo longi sed et longissimi temporis annorum ... 30 ... ubi ... esse ... untur ... praescriptione ... praeclusa uia ... actionem nam ... 30 annorum omnis actio tollitur. l. omnes. l. sicut. l. cum notissimi. C. de praescrip. 30. uel 40. an. ad quod ... in ... et ... inf. 107.

omni ... 30 annis.

4.º et ult.º quia insistit Massanum mandato ... facto ... chirographo. si chirographo illi non est standum ex causis et ... si mandato ... dicendum est ... temporis ... longi sed et longissimi temporis. l. ... C. de iudi. ... Pasqualinorum.

Ex his, et alijs uideri satis perplexa huius causae decisio: sed mihi magis placet p.ª opinio illiq. adhaereo tanq. ... in ... agitur ... modo ... hoc pacto tolli posse uor. ...

Non itaq. obstat 1.m Pasqualinorum fundamentum, quod chirographum ... priuata scriptura cui ... non sit credendum ... in ... adductis ... terminis ... non credatur priuatae scripturae ad ... scribentis. Sed nos ... in scriptura manu ... ex ...

manu tertij non interessati conscripta, quo casu cessat contrarium [illegible]
procedit doctrina Saly. in l. si quis testimonio. in 4. oppo. C. de fals. ac Bar.
in aud. contingentium cauti. et fi. §. similis, col. 2. vers. sed si tertius. et
vers. contra, ut s. credatur ipsi chirographo confirmato attestatione
24. D. Pauli Pitocini qui illud scripsit manu sua de partium commissione
ut ipse attestatur de [illegible] ut tertio non interessato, et de facto proprio
deponenti quod semper praesumitur, ut [illegible] [illegible] tradunt Cast.
in l. cuiusque, col. fi. in fi. C. de seru. fugi. Jas. in l. i. n°. 66. in
pa. lec. C. de sum. tri. et fi. cat. Deci. cons. 342. col. i. vers.
prima est. Mars. in auxil. §. diligenter. n°. 131. et cons. iii. n°. 67.
Gram. cons. 13. n°. 17. vers. et optime Alexan. post Bal. [illegible]
[illegible] fi. C. de edil. edic. tenet et Soci. in cons. 50. col. 2. in 3°. vol. Alex.
cons. 197. in fi. col. in 7°. vol. [illegible] Jas. in l. i. §. si abstin. ff. si a
[illegible] [illegible] [illegible] dicens. l. iurisiurandi. C. de testi. ubi [illegible] voluit
ad minus duos requiri testes ad probationem faciendam limitari ut pro-
cedat cum deponit testis de facto alieno de quo habet notitiam per sensu
sui corporis, secus cum de facto proprio deponit, et de re quod ipse fidu-
ciaria tunc unus testis [illegible] [illegible] ut [illegible] [illegible] [illegible]
25. Ad quod potissimum procedit in casu isto stante veritate et integritate
D. Pauli, qui chirographum manu propria scripsisse fatetur de consensu
partium. unde sequitur illa conclusio quam firmat Jan. Cast. in l. ad-
monendi. ff. de iureiur. et in l. lucius ff. de his, qui [illegible] in suis
[illegible] [illegible], scilicet quod [illegible] [illegible] [illegible] non est curandum
ubi testes sunt fidedigni et [illegible] [illegible] [illegible] omnibus
innotescit, et dicit Cast. hanc eius doctrinam no. esse, et [illegible]
[illegible] [illegible] quidam doc. eam [illegible] [illegible] [illegible] [illegible]
de mente Bal. in d. l. lucius. ubi de Bar. no. et sequitur Jo.
[illegible] [illegible] in d. l. admonendi. Porro si [illegible] [illegible] [illegible]
[illegible], ut [illegible] [illegible] [illegible], in casu de [illegible] [illegible] [illegible]
[illegible] [illegible] ipsius testis [illegible] [illegible] admittat cum maximi [illegible]
[illegible] [illegible] [illegible] [illegible] causa. de [illegible] l. ij. §. i. ubi glo. [illegible]
[illegible] [illegible] [illegible] per Tanr. et mod. in d. l. admonendi. ~~[illegible]~~
~~[illegible]~~ tex. in c. [illegible] 20. q. 3. l. [illegible] [illegible] [illegible] [illegible]
[illegible] l. [illegible] ff. de [illegible] [illegible] Addatur et chirographum
ipsum quod quidem ad probandum multum operis [illegible] [illegible] ipso [illegible] [illegible]
scripturam nomen retineat. p. l. [illegible] [illegible] [illegible] et tradunt Bar.
et doc. in [illegible] [illegible] l. admonendi. [illegible] [illegible] [illegible] in hunc
[illegible] [illegible] [illegible] [illegible] [illegible] quod via iter, et actus concedantur. [illegible]
derentur [illegible] [illegible] quod [illegible] porta [illegible] [illegible] [illegible] [illegible]

Margin notes:
24. [illegible] [illegible] [illegible]
25. testes qui sunt fidedigni [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
77. scriptura privata [illegible] [illegible]

lavit [illegible] [illegible] et [illegible] [illegible] pluralitas [illegible]
que omnia [illegible] communem esse [illegible] actu liberum [illegible]
[illegible] omnia verosimiliter [illegible] iudicis animum ad credendum
quod [illegible] veritatem [illegible] quodque ita [illegible] [illegible] sicuti
[illegible] [illegible] [illegible] et [illegible] [illegible] ad [illegible]
[illegible] [illegible] in communi [illegible] [illegible] et actu [illegible]
[illegible] presumptiones [illegible] [illegible] [illegible] [illegible] [illegible]
28 [illegible] presumptionibus [illegible] [illegible] dicitur [illegible] [illegible] Bal. in l. fi.
ff. de [illegible] insti. [illegible] in c. [illegible] de presumpt. Afflic. decis. 13 n° 24
maxime quando presumptiones sunt verisimiles ut hoc casu l. non
est verisimile in prin. ff. quod met. cau. [illegible] et [illegible]
29 [illegible] ad [illegible] ex [illegible] presumptionibus [illegible] [illegible] ut in c. afferte et
in c. litteris et [illegible] et tanto fortius credendum est [illegible]
[illegible] veritatem [illegible] [illegible] [illegible] Pitocini [illegible] [illegible]
non est credendum [illegible] aut [illegible] [illegible] [illegible] [illegible] [illegible]
30 [illegible] anima [illegible] [illegible] [illegible] [illegible] [illegible] anim.
in c. [illegible] [illegible] ut Mascardus [illegible] [illegible] [illegible]
[illegible] [illegible] et presump. [illegible] [illegible] num. [illegible] fortificatur
31 premissa ex [illegible] presumptione [illegible] [illegible] [illegible] libera nisi [illegible]
[illegible] l. altius l. si in aedibus l. si [illegible] servitutem [illegible]
[illegible] in c. [illegible] [illegible] decis. 129 in prin. in 4°
vol. [illegible] decis. 102 [illegible] 170 in causa [illegible] in prin. [illegible]
408 col. 2 decis. 498 col. 1 et decis. 588 col. 2 Afflic. in c. [illegible] n° 08
ex quibus [illegible] [illegible] [illegible] [illegible]
Alex. in decis. 10 n° 2 unde facile credendum est [illegible] [illegible]
[illegible] [illegible] [illegible] quod [illegible] [illegible] et ad id quod [illegible]
ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
32 [illegible] [illegible] mea [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] decis. 100 n° xi in 4° vol. [illegible]
[illegible] in l. [illegible] in [illegible] donationi [illegible] [illegible]
n° 158 ac [illegible] in cons. 73 n° 10 [illegible] in decis. 178 n° 1 [illegible]
33 [illegible] [illegible] [illegible] [illegible] presump. [illegible] [illegible]
[illegible] causa [illegible] non [illegible] concludendas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] contrariam in [illegible]
[illegible] [illegible] [illegible] in decis. 90 n° 7 et decis. 118 n° 6
[illegible] decis. 134 n° 10 et decis. 50 n° xi [illegible] ex his animum
[illegible] [illegible] [illegible] [illegible] [illegible] veritatem [illegible]
et id [illegible] quod [illegible] [illegible] Maxime autem quia Pitocinus [illegible]

36 [illegible] subscripta

[illegible] in [illegible] subscriptum, unde idem facit pro
[illegible] Abb. in c. [illegible] et si [illegible] dicat [illegible]
[illegible] hahere, quia satis constat producti chirogra-
phi [illegible] dimissum [illegible]
fuit, unde licet productum non [illegible]
[illegible] vel [illegible]
[illegible] non [illegible] subscriptum vel [illegible] quod [illegible]
[illegible] quod utraque
pars [illegible] eiusdem [illegible]
[illegible] nec [illegible]
[illegible] formiter ex-
[illegible] statuta [illegible]
[illegible] quo
[illegible]
[illegible] si quis [illegible]

37 [illegible]

[illegible] quia [illegible] statuta [illegible]
[illegible]

38 [illegible]

[illegible] Alex. [illegible] n° 7. [illegible] n° 7 [illegible]
[illegible] nec extendit [illegible]
[illegible]

40 [illegible]

[illegible] fides,
maxime [illegible]
[illegible]
[illegible]
[illegible] fides est adhibenda. Nec obstat illud quod

41

et forma inducitur in contractu quia contra sic iura chirographi sed illa solemnitas adhibita non adiectiva contractus sed ad probationem rationem. Praeterea quod forma tunc dicitur inducta, cum est clausula annullatoria secundum communem opinionem quam tenent Rom. Cons. 402. Deci. in c. in nomine domini. n.o 14. et Fel. in c. olim. n.o 20. et extra. Lanfr. in c. 19. n.o 187. in 2.o uol. sed clausula annullatoria non est in hoc chirographo, ergo verba illa requirentia subscriptionem non generant directa ad substantiam nec ad faciendum contractus probationem. Post nam contractus huius esse, licet sine subscriptionibus illis valida est et sine eis ipsa non minus valuisset. Ergo forma illa non fuit ...

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Forma ad esse substantialis ...

... et ... fol. in c. ... in fi. et ... in ... c. fi. in ... Deci. ... no. doc. in l. ... interlocu. omn. iud. ... et forma altera quae requiritur ad esse et ad probationem esse, et dicitur substantialis et probatoria ... 2.a ad esse tamen et non ad probationem, ut in stipulatione, et dicitur substantialis non probatoria. 3.a vero est quae requiritur ad probationem, et ad essentiam dicitur probatoria. At duarum priorum effectus vitiat dispositionem. 3.a vero cum non sit substantialis non impedit ... naturalem obligationem nec vitiat actum ... ita Bal. in l. cum qui ... Nec ignorarer quod Rigocinus sit ... supplens dictum fuit ... quia idem fuit ... non attestatur quod ... l. pomponius. ff. ... interveniens ... si frater ... fidem facere ... et Bal. ... sit ... bonae opinionis ... et ... laico ... Pasqualinorum sublatum sit ... Pasqualinorum fra...

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... quo ad p.m partem iam doctum ... chirographi. Quod autem attinet ad 2.m partem probationis ... similiter dicendum est impedimentum ... oculos namque divinos animae ... appellat Plato in Timaeo ... natura ... ex ... Pasqualinorum et ... probationibus ... attestatione ... Bernardinis ... fol. 72. ... fol. 33.

46

... Nec dicat ... quia ... latitudo ... non est extrema ... l. ... latitudo ... quaelibet parte ...

47

48

in [illegible] agi. d. l. certo generi. §. si totus, et §. latitudo. [illegible] [illegible] fundi servientis quicquid in praedio serviente non iure [illegible] si quid aedificaverit, [illegible] [illegible] dominatus agit confessoria ut aedificata [illegible] [illegible] [illegible] tex. in l. si eo loco. ff. si servi. vendi. multo magis autem cum aedificavit in communi, ut hoc casu [illegible] dicitur, quia confessoria datur contra [illegible] [illegible] [illegible]. l. si quis diuturno. §. fi. [illegible] si servi. vendi. [illegible] quidem confessoria [illegible] ut [illegible] [illegible] servitute [illegible] [illegible]. d. l. si eo loco. sed nos sumus in fortioribus terminis [illegible] non in praedio dominatur aut servitute [illegible] in [illegible] communi [illegible] socius [illegible] alterum aedificare [illegible] communi [illegible] non [illegible] servientis, quod si aedificavit, actio [illegible] illi non esse ita aedificatum habendi. l. an unus. ff. si servi. vendi. [illegible] licere scalas in communi [illegible] licere [illegible] nullum [illegible] damnum socio ut l. fistulam. §. fi. ff. de servi. urb. praed. sicuti [illegible] intelligitur [illegible] in l. quidam [illegible]. [illegible] servitutis. [illegible] [illegible] in [illegible] [illegible] sicut videtur ubi infert damnum, ut ibi [illegible] tradit [illegible] de servit. urb. praed. cap. 54. in princ. ad quod omnino [illegible] tex. in l. fistulas. ff. si servi. vendi. et l. si communes aedes. comm. divi. [illegible] no. [illegible] glo. in l. Sabinus. ff. co. ti. [illegible] [illegible] cum legamus alicubi licere socio in communi aliquid facere, intelligendum est quando alterius socii nihil interest et non nocere. d. l. quidam [illegible]. §. paries. no. glo. in d. l. sabinus in glo. 2. in princ. ff. com. divi. [illegible] Caep. in [illegible] cap. 54. [illegible] socio nunquam licere in communi quicquam invito altero socio [illegible] quia in pari causa potior est conditio prohibentis. [illegible] [illegible] [illegible] et in similibus habemus quod is cui debetur servitus [illegible] [illegible] [illegible] et tollere [illegible] ut commodius servitute uti possit, [illegible] in [illegible] [illegible] l. refectionis ff. comm. praed. [illegible] fiat cum damno domini praedii servientis magno. [illegible]. §. fi. ff. de rivis. l. 3. §. [illegible] [illegible] [illegible] et is cui servitus debetur [illegible] [illegible] impendentes arborum tollere et succidere quando [illegible] inhabilem redderet viam. d. l. loci corpus. §. si quis mihi. ff. si servi. vendi. [illegible] hoc casu videtur [illegible] [illegible] posse [illegible] [illegible] tolli scalas in communi constructas [illegible] [illegible] praeiudicio sui [illegible] [illegible] [illegible] [illegible] non modo [illegible] [illegible] [illegible] concordiae [illegible] [illegible] [illegible] virtute [illegible] promulgationis anni 1545. [illegible] in [illegible] fol. 9. 10. et [illegible] [illegible] 2m Pasqualinorum fundamentum.

[illegible] similiter removetur [illegible] praescriptione quia ipsa praescriptio non fuit [illegible] quia [illegible] testis non [illegible] scalas mutatas non fuisse, [illegible] Pasqualinus eas refecisse affirmat, [illegible] quod [illegible] est [illegible] [illegible]. 2s autem testis [illegible] Pasqualinis [illegible] [illegible] [illegible] l. 3. [illegible] de testi. [illegible] no. in d. l. [illegible] [illegible] de testi. qui [illegible] [illegible] non negat. [illegible] 3s teste [illegible] [illegible] dictum est [illegible] non [illegible] examinatus [illegible] singularis [illegible] in dicto [illegible] non [illegible] [illegible] [illegible]

.C. i. de iurisdictione omnium iudicum. Bar. in l. ob carmen. § fi. ff. de testi. [illegible] ... [illegible] Mars. in cons. i. n.° 26. volu. [illegible] non concludit, quis ha-
bere scalas [illegible] non [illegible] l. [illegible] hoc [illegible]
[illegible] pro. [illegible] contra. co. [illegible] sed [illegible] quod [illegible]
hoc casu obligationem [illegible] Bal. in l.
edita. col. 4. C. de eden. Bar. in l. comperit. § in [illegible] ff. quod vi aut
clam. Alex. et mod. in l. [illegible] idem Alex. in l. stipulatio ista.
§. Siquis ita. [illegible] ff. de [illegible] Bal.
in l. [illegible] Rom. cons. i80. in casu aut. [illegible]
[illegible] fieri [illegible] ipsos Pasqualinos obligatos ita tamen quod aditum
non impediret [illegible] quod idem testis deponit [illegible] quod im-
portat incertitudinem. l. testium. C. de testi. cum [illegible] qui [illegible] dixit scalas
fuisse deponit. Et sic [illegible] Hac [illegible] pro [illegible]
[illegible] ex depositionibus testium affirmativis [illegible]
fuisse scalas [illegible] in dubio an hae [illegible] 30 omnis [illegible]
pro libertate [illegible] cardinibus [illegible]
[illegible] scalas [illegible]
[illegible] non [illegible] demonstrant. Praeterea [illegible]
dans se in possessione non solum [illegible]
secundum Paris. cons. 25. n.° 80. [illegible] *
[illegible] Rom. in [illegible] cons. 82. in p.° col.
[illegible] Bar. in [illegible] praesumptio [illegible]
[illegible] bona fidei [illegible] continuata [illegible]
[illegible] Bar. in l. uni. C. de usucap. [illegible]
Bal. in [illegible] Paris. cons. 104. n.° 121. domi. de Rot. [illegible]
n.° 4. de [illegible] in nou. [illegible]
[illegible] cum patientia. l. servitutes. [illegible] de servitut. l. i. in fi. ff. de aqua pluvi-
arc. [illegible] ordinarie ad acquisitionem
[illegible]
obligationum [illegible]
[illegible] ad acquisitionem [illegible]
[illegible] ad quod in [illegible] in l. si in[illegible]
[illegible]
Praeterea [illegible] scientia et patientiam [illegible]
[illegible] Bar. in l. i. §. hoc interdicto [illegible]
[illegible] qui servitute [illegible]
et [illegible] animo [illegible] l. unde [illegible] §. hoc autem interdictum. ff. de
iti. actuq. priv. ubi Bar. et Alex. in [illegible] ubi no. Bar.
et Bal. [illegible]
§. hoc interdicto. Confirmat praemissa [illegible]
nec vi nec precario [illegible] in d. §. hoc [illegible]
et Bal. in l. [illegible] C. de serv. Et [illegible] omnia [illegible] Pas-
qualinorum [illegible] maxime cum [illegible]
[illegible] l. servitutes [illegible]
[illegible] de servitu. [illegible] non requirat, ut dixi [illegible] supra [illegible]

tamen initium vitiatum non fuerit, cum ad vicem qualis fuerit, ut signum idem Bar. in d. l. 1. § si quis suspradicto ff. de iti. actuq. priva. in casu aut[em] isto planè constat porticum communem esse et Massarius actum [illegible] tam libere quod sine iure communi aedificaverat Pasqualini scalam, quam non potuerit, ut in dicta, nec animo [illegible] servientis et in possessione nec requisita concurrunt, proinde et in re sua nemo servitutem praetendere potest [illegible] duas [illegible] d. ff. de servi. urb. praed. Et si contrarium attendamus, dicendum erit Pasqualinos praefatas scalas ibi habuisse ubi nunc sunt, unde non [illegible] l. [illegible] ff. de servi. rust. [illegible] l. 1. in prin. ff. de iti. actuq. priva. l. [illegible] § ut [illegible] [illegible] dicitur [illegible] [illegible] l. 1. [illegible] Et [illegible] clara est iuris dispositio, quod in iis quae sunt merae facultatis nunquam praescribitur. l. penult. ff. de dam. infec. l. 1. § denique Marcellus. et l. si in meo fundo. ff. de aqua plu. arc. in l. ij. de via pub. [illegible] multa [illegible] de antiqui. temp. in 4. [illegible] [illegible] materia. n° 98. fol. 104. [illegible] [illegible] qui iure familiaritatis [illegible] Bal. [illegible] 17. in 1° vol. [illegible] [illegible] § socio. ff. pro soc. [illegible] si [illegible] immemorabile [illegible] [illegible] l. ff. quemad. servi. amit. et in d. l. qui iure familiaritatis. multa adducit Bou. de statut. urb. [illegible] glo. 10. fall. 27. n° 263. 268. fol. 85. Caeterum dato sine tamen praeiudicio veritatis, quod aliqua praescriptio hoc casu currere potuisset, adhuc eam interruptam [illegible] [illegible] fore mediante lite [illegible] facta et chirographario [illegible] [illegible] l. cum notissimi. § sed et si quis. C. de [illegible] 30. [illegible] tradit [illegible] in l. naturaliter [illegible] ff. de usucap. [illegible] [illegible] [illegible] et [illegible] sit [illegible] factum 3° [illegible] Pasqualinorum [illegible] nullo [illegible] tollitur [illegible] notorium [illegible] in [illegible] in facti [illegible] nem non attendi [illegible] sententiarum roborata [illegible] introduxit: unde [illegible] quo ad mandatum, et quo ad [illegible] talis exceptio non obstat. [illegible] chirographario [illegible] [illegible] dicitur [illegible] supra, et [illegible] quo [illegible] [illegible] videre [illegible]

Concludendo itaque ex his omnibus sic ut praemittitur firmatis, [illegible] [illegible] Massarios iustam fovere causam contra [illegible] Christi nomine invocato [illegible] Ego Flaminius de R. [illegible] [illegible] [illegible] partes [illegible] [illegible] et iudicium [illegible] fore [illegible] esse in iudicando et ita iudico atque declaro, quod tutores seu curatores Pauli filij q. [illegible] Petri de Pasqualinis teneantur tollere et amovere [illegible] [illegible] ita, et taliter, quod porticus sine aditum [illegible] sit [illegible] [illegible] et agi possit absque dictarum scalarum impedimento, porticu ipsa, et aditu communi in caeteris, quo ad iter, et actum remanente inter ipsas partes. Cum declaratione tamen ex aequitate quadam [illegible] ex [illegible] [illegible] [illegible] quod in amotione dictarum scalarum, et [illegible] [illegible] Massarii [illegible] teneantur pro dimidia in [illegible] [illegible] faciendis, dummodo in totum duc. 4. non excedant. Et similiter, quod

73. [illegible] non [illegible]
74. [illegible] possidens [illegible]
75. [illegible] [illegible]
76. [illegible] [illegible]
77. [illegible]
78. * [illegible] dicendum [illegible] [illegible] [illegible] facit l. [illegible]

pentes [illegible] & curis animi mei moliribus sim absolutus ad [illegible]
[illegible] [illegible] salarij & itineris mei , ut s dimidia [illegible] .

Laminius de Rubeis [illegible] . [illegible]
minimus salus semp.

+

Duo in [illegible] [illegible] ex [illegible] in [illegible] [illegible]
inter [illegible] [illegible] in dec. [illegible] Brunetti [illegible]
[illegible] quem [illegible] an [illegible] an dato quod [illegible] facti sit
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] multis [illegible] ob
[illegible] urbis officium [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ex [illegible]
[illegible] in cons. 3. col. 3. [illegible] in cons. 140. sub n° 4.
hac [illegible] sola [illegible] sufficere [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] crimen [illegible] casibus [illegible]
[illegible] ubi glo. ff. [illegible] hoc casu [illegible]
[illegible] Castilij [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
factum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Bar. in l. [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] Bal. in l. [illegible]
[illegible] [illegible] [illegible]
[illegible] Brunetti [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] Bar. in l. [illegible]
[illegible] [illegible] [illegible]
[illegible] Bar. in l. [illegible]
[illegible] [illegible] [illegible]
[illegible] Castilij, quippe qui [illegible], Brunettum ad confirmationem [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] in cons. 57. [illegible]
[illegible] supplica [illegible] habet multas [illegible], et [illegible] Bal.
in l. [illegible] Decij in cons. 97. n° 3. Pratina [illegible]
dicere [illegible] obstare in [illegible] casu, quia clarissima sint verba restitutionis

[illegible] contra [illegible]

[illegible]

[illegible] gratia [illegible]

[illegible]

[illegible] [illegible]

[illegible] [illegible]

sol. post. 60. dies fieri nequit

[illegible] nisi ico. [illegible] et mereo. [illegible] examina diens, [illegible]
[illegible] si fieri [illegible] [illegible] omni [illegible]
in forma [illegible] que est ista [illegible] maxime adhuc quia in [illegible] fide [illegible]
[illegible] [illegible] in hac [illegible] et [illegible] nullibi [illegible]
[illegible] maxime [illegible]
[illegible] et [illegible] aliud et [illegible]
in modo dies. 60. [illegible] decies. 60. [illegible] indicia [illegible]
de [illegible] forma [illegible]

10
[illegible]

[illegible] [illegible] [illegible]
[illegible] introducta.

[illegible] quod [illegible] illud [illegible] Gen. cap. 3°. [illegible]
[illegible] [illegible] 12. [illegible]

232
[illegible] index [illegible] omitten

[illegible] habetur in [illegible] index omitten [illegible]
[illegible] in [illegible] n° [illegible]
[illegible] [illegible]
[illegible] Bal. [illegible]
[illegible] ad [illegible] fidem [illegible]
[illegible] fides [illegible]
[illegible] fidei [illegible] habet [illegible]
[illegible] modo [illegible]
[illegible] asserendo [illegible]
[illegible] ex [illegible] memoria [illegible] non [illegible]
hac [illegible] cum in [illegible] quod [illegible]
[illegible] hac [illegible] ex omni [illegible]
[illegible] nulli dubium quod magis [illegible]
[illegible] videtur et ab omnibus indicatur [illegible] modo

13
[illegible] quis [illegible]

[illegible] nullo modo [illegible] quilibet [illegible]
[illegible]
ubi Bal. [illegible]
[illegible] 129. n°. [illegible]

17.
[illegible]

[illegible] [illegible] nequaquam [illegible]
[illegible] nullibi [illegible] subsistere omnis [illegible]
[illegible] fieri potuerit an non, et an [illegible] quia [illegible] non est [illegible]
[illegible] ad eundem Philosophum, [illegible] nulla [illegible]
[illegible]

10
[illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] ad [illegible].
[illegible] tamen [illegible]
[illegible] adhuc [illegible] indicandum [illegible]
[illegible] quod eo [illegible] fieri [illegible] potuit [illegible]

[illegible]

[illegible] sit [illegible]
[illegible] in [illegible] corporalibus [illegible]
[illegible]
[illegible] Franciscus [illegible]
[illegible] [illegible] Bal. in [illegible]
[illegible] notatus à Jo. And. in c. [illegible] in 6° [illegible]
mercurialibus. Archid. in c. quia [illegible] et doc. in l. si fideiuss

18 [illegible] appellatione [illegible]
[illegible] petit et sua parte [illegible] illam [illegible]
[illegible] possessionis [illegible] est [illegible]
[illegible]
[illegible]
[illegible] sententiam [illegible] petitur. l. f. C. de execu. rei
iudi. [illegible]
22 [illegible]
[illegible] 44 [illegible]
[illegible]
23 In fraude. [illegible]
[illegible] at [illegible] 179. Item ex timore scandali
24 In timore scandali. [illegible] ff. de
[illegible] in c. 248 nº 4. [illegible]
25 [illegible] 100. [illegible]
dem [illegible] in [illegible] est [illegible]
[illegible]
[illegible]. 3.
[illegible] non [illegible] suspectus [illegible] sit [illegible] dicimus [illegible]
timor scandali non [illegible] si [illegible]
26 [illegible] liquidum. [illegible] est [illegible]
[illegible]
[illegible] Bar. in l. [illegible] nº 5. [illegible]
lib. xi. [illegible]
[illegible]
[illegible] 170. [illegible] in [illegible]
[illegible] quia [illegible] deductiones
[illegible] Castilia, non [illegible]
in [illegible] qui [illegible] non [illegible]
nec [illegible]
27 [illegible] nec [illegible] et [illegible]
[illegible] alios [illegible] non [illegible]
adop. l. [illegible]
[illegible]
[illegible]
[illegible] alios [illegible] non [illegible]
[illegible]
iudi. l. modestinus ff. de excep. l. 9. C. de fi. [illegible] toto tit. in [illegible]
[illegible] iudi. [illegible]
28 alter ex alterius [illegible] [illegible]
[illegible]
[illegible]
[illegible] iudex [illegible]
[illegible] filio, nec filius [illegible] patre, nec [illegible] aut [illegible]
[illegible] nec [illegible] iure quidem diuino, ut Deuteronom. cap. 24. Ezechiel. cap. 18.

[illegible] in 2ª [illegible] Ruffi [illegible] 231 [illegible]
[illegible] c. fam. [illegible] de tutore [illegible] pupil. [illegible]
[illegible] ad. [illegible] in casu [illegible]
[illegible] uno [illegible]
[illegible] stipulatio [illegible] oblig. [illegible]
[illegible] maxime
[illegible]
[illegible] ex causa [illegible]
[illegible] exclusione [illegible]
[illegible]
[illegible] filius
[illegible] in [illegible] uerum [illegible]
[illegible]
[illegible]
[illegible] cum nomine [illegible]
[illegible]
[illegible]
[illegible]
[illegible] hodie et in [illegible] quod [illegible]
[illegible] dictioni [illegible]
[illegible] dato [illegible]
[illegible]
[illegible] eo modo [illegible]
[illegible]
[illegible]
[illegible] et dominium [illegible] colonus [illegible]
[illegible] in [illegible] col. [illegible] col. [illegible]
[illegible] colonus [illegible]
[illegible] cum [illegible] poss. [illegible]
[illegible]
[illegible] colonus [illegible]
[illegible]
[illegible]
[illegible]
anno [illegible] milles [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] domini [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

44 Colonus [illegible] iudicat. r his [illegible] et iudicat [illegible]
alienando [illegible] nec alteri [illegible] cuius [illegible]
inscio uel inuito domino, tex. est in l. [illegible] colonis C. de agric. et censi. lib. xi.
[illegible] sunt formalia uerba [illegible] colonis preiudicium possessioni inuito
[illegible] inscio imponi non posse et [illegible] ad idem textu in l. si non [illegible] C. de [illegible]
[illegible] colonum possidentem [illegible] ideo nec [illegible]
[illegible] posse. et [illegible]
[illegible]
[illegible] colonum [illegible]
45 [illegible] [illegible]
[illegible] Bar. in l. [illegible] si [illegible]
[illegible]
[illegible] acqui. poss. et haec est communis doc. [illegible]
quae [illegible] colonis [illegible]
ferat, ut [illegible] Bal. in cons. 330. nu. 7. in [illegible] uol. glo. in l. [illegible]
[illegible] Bononien. [illegible] idem tendit glo. in l. [illegible]
[illegible] Alex. ac Bal. in [illegible]
dicentes quod [illegible] colonus [illegible]
ab aliis [illegible] Hac [illegible] ad casum [illegible]
[illegible] colonos [illegible]
[illegible] Brunetto [illegible]
[illegible] Brunetti [illegible]
[illegible]
[illegible] fol. 158 [illegible] fructus illis [illegible]
[illegible]
[illegible]
[illegible] cons. 98 nu. 6 [illegible]
[illegible]
[illegible] Bal. in l. si pater [illegible]
[illegible] fructus [illegible] usu [illegible]
[illegible] fundi dicatur, et [illegible]
[illegible] cons. 121 nu. 4 [illegible] in 4 uol. [illegible]
[illegible] fructus [illegible] cons. 326 [illegible]
[illegible]
[illegible] locati [illegible] colonus [illegible]
[illegible]
[illegible] si domini [illegible] colonus [illegible]
[illegible] finis huic [illegible] si colonus non [illegible]
nec [illegible] possessionis [illegible] si domino [illegible]
[illegible] fructibus [illegible] fructus [illegible]
[illegible] colono [illegible]
[illegible] fructibus et nullo [illegible]
[illegible]
Assiduus [illegible]

C

[illegible] ... mezzain, [illegible] Ragonus [illegible] ...

[illegible] ad aliud [illegible] ... Maximianus [illegible]

[illegible] ... Columnis [illegible] prima domi [illegible]

[illegible] ... fortificationum [illegible]

[illegible] ... 1470 · 10 · martii [illegible]

[illegible] eiusdem Brunetti [illegible]

pater · ac [illegible] ...

[illegible] ... omnia in unum [illegible] D · Cosmi £ 1001 [illegible]

£ 1218 · [illegible] £ 4501 [illegible] £ 6116 [illegible] £ 1818 [illegible]

[illegible] £ 1000 [illegible] ...

[illegible] £ 1448 [illegible] ...

[illegible] £ 1088 [illegible] ...

[illegible]

[illegible] ... Brunetti [illegible] ...

[illegible] Puerilias, et [illegible]

[illegible] Nulli [illegible]

antiquo [illegible]

dominus possidet per colonum.

[illegible] ut tenebat Bar. in [illegible] 325. n. 4

[illegible]

[illegible] una solutio [illegible] exigendi.

exactiones [illegible] solutionem.

[illegible]

[illegible] sola nec dominus [illegible] [illegible] Tram [illegible] [illegible]

[illegible] ec [illegible] perpetuum [illegible]

[illegible]

[illegible] Eo[illegible] [illegible]

[illegible] lu[illegible] [illegible]

[illegible]

[illegible] ragazzi li & simili intelletti [illegible] uo & dimoni.

[illegible]

[illegible]

Tit. 9

18
Sicut in poss. nati.

19
[illegible] possidere [illegible] in [illegible].

Quibus [illegible] possidere ex [illegible] que [illegible].

21
possessor [illegible] alieno nomine possidet.
[illegible] possidere [illegible].

[illegible]

23
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

32.
nec [illegible]

33.
[illegible] sine [illegible]

34
[illegible]

35
[illegible] ad [illegible]
[illegible] efficere [illegible]

[illegible]
[illegible]
[illegible] nec [illegible] nec [illegible]

[illegible]
nec principis [illegible]

[illegible]
Loc[illegible] [illegible] exactio [illegible]
[illegible]

[illegible]

[illegible]
[illegible]
[illegible]

41.
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

42.
[illegible] [illegible] [illegible] [illegible]

43.
[illegible] [illegible]

44.
anima [illegible] [illegible] [illegible].

45.
[illegible]

[illegible] nisi colorans [illegible]

47.
[illegible] [illegible]
48
[illegible] cum [illegible]

[illegible]

51.
[illegible]

[illegible]

64

[illegible] invisibilia [illegible] [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

73
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

7[illegible]
Quod [illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

77

[illegible]

78

[illegible]

79

Solutio ad libellos [illegible]

[illegible]

[illegible]

82.
[illegible] x. annis [illegible]

83
[illegible]

84
[illegible] solo animo nō acq[illegible]
85
[illegible] solo [illegible] animu[illegible]

86
[illegible] animo nō amittit.

[illegible]onus mercat[illegible] dolo Giudicat.

[illegible]

[illegible]

[illegible] TTico [illegible]
[illegible]

Si mille annis possideat

... fiat.

[illegible]

[illegible]

— Sinca [illegible] Excell. Susanus in eius [illegible]
[illegible] Petri del Bianco [illegible], sed si [illegible]
[illegible] cuiusdem [illegible]
uidetur [illegible] illa [illegible] seu tendere [illegible]
[illegible] habuit, et uincere, an non: quandoquidem negligentibus ipsis [illegible]
[illegible] integritatis se defendere [illegible]
ut in intimationibus [illegible] uectibus [illegible]
[illegible] Zanariano [illegible]
[illegible] eiusmodi [illegible] ornatu. Nam hic [illegible]
Quod [illegible] quod [illegible]
aestimationis, et [illegible] usura [illegible] non potuerit; quod usura sit
excessiua [illegible] ab ipsis iudicis; [illegible]
ipse Excell. Susanus in suis allegationibus [illegible] non [illegible]
ad causam, quae modo inter Iob. [illegible] et hos [illegible]
[illegible] Zanariano [illegible]
[illegible] respondere [illegible]
[illegible] Nunc [illegible]
damnum [illegible] Zanariano [illegible] ipse [illegible]
[illegible] molestatur. Hac autem [illegible]
[illegible] Certum [illegible] unus [illegible]
[illegible] onus [illegible]
[illegible] ad mando. l. [illegible] alteri [illegible] non [illegible]
aliquis [illegible] in 6.° [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Ipsi [illegible]
[illegible] quod si hac persona [illegible] altera [illegible] tamen
[illegible]
istis [illegible] Zanariano, [illegible] nullo [illegible] animi [illegible]
[illegible] iusto iudice [illegible]
debet: [illegible]
[illegible] fideius. Quod autem [illegible] fideiusse-
rit [illegible] non modo [illegible] non negarint, sed expressi fa-
tentur, [illegible] sola exceptione [illegible]
[illegible]
[illegible]
[illegible] nihil
[illegible]
[illegible] Ceterum quia nullo pacto ipsi [illegible] Zanariano
[illegible]

[illegible] Caterd. Gerardus.

Ampliatio in filio [illegible]

ali. amp.° in uxore.

[illegible] iuramenti [illegible] ut [illegible] iurandi [illegible] possit [illegible]
[illegible] et [illegible] plenarie [illegible] facile [illegible] sufficienter
[illegible] Sed quicquid dicat sufficientissime [illegible]
[illegible] nec [illegible] sub [illegible]
[illegible] in primo fol. 2 [illegible] die 2 Iulij in calce [illegible]. Nam ipse [illegible]
[illegible] non [illegible] loricas [illegible] nic. [illegible] alteri [illegible] nic. [illegible]
[illegible] iuravit [illegible] dixit [illegible] post asportacionem factam per adversarium
[illegible] revocatis quod [illegible] et in [illegible] 2 [illegible] Maij [illegible]
[illegible] factam restitucionem fuisse. Si vero [illegible]
[illegible] aut facta [illegible] et scitu, aut commissione [illegible]
nic. aut citra [illegible] iuramentum [illegible]
[illegible] iuravit [illegible] et asportacione [illegible] iuravit [illegible]
[illegible] restitucionem et eius commissione vel scitu. [illegible] aut [illegible]
[illegible] loricas cupiam restituisse absque scitu et commissione [illegible] nic. [illegible]
[illegible] nic. iurare nec iuramentum [illegible] iniquum esse nec
[illegible] alieno facto iurare teneatur [illegible] tex. in l. [illegible] marcellus. [illegible]
[illegible] Bar. [illegible]
[illegible] Alex. [illegible] vol. et alij multi quos citat
Cran. in cons. 157 n.° 17 [illegible]
[illegible] si [illegible]
iurandum, sed ad precarias [illegible] ait praetor in ver. [illegible]
tamen est in manifesta turpitudine [illegible] manifesta [illegible]
[illegible] ex adverso [illegible]
7 [illegible]
[illegible] Bar. in Rub. [illegible]
[illegible] illo [illegible] non mon. [illegible]
[illegible] termine [illegible] turpitudines [illegible]
[illegible] iuramento [illegible] intelligatur [illegible]
[illegible] manifeste [illegible] in d. [illegible] illo [illegible]
[illegible] quis nec iurare, nec referre [illegible] dicitur
8 [illegible] turpitudinis [illegible]
[illegible] iurare vel [illegible] recusationi.
[illegible] causa [illegible] recusari [illegible] tex. in l. [illegible]
[illegible] Bar. [illegible] qui ait [illegible] tex. [illegible]
[illegible] ipsa [illegible] quando quis sine causa recusat [illegible]
[illegible] causa [illegible] recusari [illegible]
[illegible] recusandi [illegible] manifesta turpitudine [illegible]
[illegible] causa [illegible]
recusandi [illegible] alieno [illegible]
10 [illegible] nemo [illegible] marcellus [illegible] alijs [illegible]
facta [illegible] ignorare praesumitur [illegible]
[illegible] casu, non [illegible] facto alieno agitur [illegible] qui [illegible]
et scientia, vel ignorantia, quia ignorantia [illegible] probatur. c. pastoralis
[illegible] excep. tradit Alex. in cons. 76 n.° 8. et in cons. 89 n.° 2 in 7.° vol. ac [illegible]
n.° 8 in 2.° vol. [illegible] adducit, tradit quoque Matth. [illegible]

in c. clmi. [illegible] in c. [illegible] nº. 10. [illegible]

nº. 20. char. 91. in l. qui falsam. nº. 90. char. 35. in l. si quis ne quaestio nº. 72. [illegible] ff. ad l. corn. de fals. et in rub. [illegible] nº. 4 [illegible] Jac. mand. [illegible] alij [illegible] quod in iis [illegible] in anime meo mihi manis [illegible] [illegible] unde ex his concluditur D. nic. sufficientissime iurasse [illegible] facto suo iuravit absolute [illegible] facto [illegible] facto alieno iuravit [illegible] nulli [illegible] ignorantia [illegible] dictum est supra [illegible] iuramentum [illegible] [illegible] in casu [illegible] praestari c. ad nostram [illegible] sicut [illegible] Bar. in l. [illegible] dotem ff. [illegible] [illegible] illa casus [illegible] D. nic. [illegible] quia [illegible] sufficientissimi sit [illegible] nos [illegible] Bal. [illegible] in c. [illegible] minor [illegible] in d. l. [illegible] D. nic. [illegible] in sua causa [illegible] admittitur ad affectandum iuramentum ut in l. [illegible] et qui [illegible] testimonio [illegible] in sua causa [illegible] D. nic. non [illegible] in sua causa maxime, quia ut praedictum fuit non [illegible] iuramentum nisi [illegible] sive de iure causa [illegible] dictum est supra non modo [illegible] in [illegible] causa [illegible] facto alieno [illegible] ad ignorantiam: unde [illegible] iurando [illegible] sit [illegible] iurando [illegible] [illegible] admittitur post [illegible] iuramento [illegible] hereditario [illegible] [illegible] et iurium. et est tex. in d. l. admonendi. in [illegible] obtinet [illegible] iuramentum [illegible] l. qui iurasse. §. [illegible] expressi. [illegible] Bal. in [illegible] in l. si [illegible] §. [illegible] [illegible] ubi tali iura praesumant sicuti late multa [illegible] 28. in quo [illegible] in ora. [illegible] sex. [illegible] [illegible] biles homines esse dignos [illegible] suis, et quia [illegible] bine et [illegible] meritorum [illegible]

12. [illegible] in anima mea [illegible]

ut de tradit Bar. in l. licet [illegible] quia [illegible] [illegible] omnibus [illegible] omnia circa [illegible] [illegible] factam [illegible] [illegible] missione, [illegible] Bs. 7. Boer. [illegible] [illegible] allegationem [illegible] [illegible]

13. [illegible]

18. [illegible]

20. [illegible]

21. [illegible] expressi.

[illegible] et habere

25. De nobilitate plura.

[illegible] singularis est, que a uiris, uel mulieri[illegible] diuitias uel uite
[illegible] homo [illegible]tur [illegible] magis [illegible]
[illegible] ignobilium [illegible] nemo priua[illegible] in casu
iuramenti [illegible] auditum [illegible]
[illegible] pagel. [illegible] com. sub hic uerbis. Athenis aiunt
quidam [illegible] qui [illegible] testimonium publica [illegible]
xisset [illegible] mos [illegible] iurandi causa ad aras accessisset, una uoce
omnes [illegible] iurare [illegible] Graeci homines [illegible] uiri [illegible]
[illegible] uideri [illegible] ueritate [illegible]
[illegible] nominus [illegible]
[illegible] simplicem assertionem [illegible] nulla [illegible]
differentia, iuxta illud [illegible] fieri ad [illegible] in [illegible]
72. [illegible] sacrilegium [illegible] quod [illegible]
[illegible] dicta [illegible] ex [illegible]
[illegible] Alexandri [illegible] quicunque [illegible]
[illegible] Senec. in lib. [illegible] formula [illegible]
sub cap. [illegible] iustitia [illegible] an firmes an [illegible]
[illegible] ueritatem [illegible] anima [illegible]
[illegible] et iuxta illud [illegible]
Quid prodest homini si totum mundum lucretur, animae uero suae detrimentum patiatur
[illegible] 10. [illegible] 8. [illegible]
[illegible]
[illegible] animam suam [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] minus [illegible] ~~[illegible]~~ [illegible]
[illegible] omnibus [illegible]
[illegible] [illegible] dei [illegible]
[illegible] obstat, quod [illegible]
[illegible] fuit [illegible] ~~[illegible]~~
~~[illegible]~~ quia [illegible]
[illegible]
[illegible]
[illegible] magna [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ~~[illegible]~~ [illegible]
[illegible] omnem [illegible]
[illegible]
[illegible]
[illegible] 20. [illegible]
[illegible]
[illegible]
[illegible] iudicandum [illegible]
[illegible]
[illegible] iudicandum [illegible]
[illegible]
+ [illegible] et Rubeis [illegible] ita ex [illegible]
ex omni iure [illegible] sentit.

[Margin notes:]

[illegible]

28.
[illegible]

26.
nec iurandum nec mentiendum

27.
anima [illegible]

28.
[illegible]

29.
[illegible]

+ [illegible]

[illegible]

Blasphemia peccatum maximum — Blasphemia peccatum ... et corde procedit coinquinat hominem Math. 15. Marc. 7. ... peccatum si in corde est dicitur blasphemia cordis ... blasphemia [illegible] ... fidei et charitati ... ex sua [illegible] mortale peccatum, non ex surreptione [illegible] aliquando in verba blasphemia [illegible] ... habere blasphemia ... [illegible]

... blasphemia ... [illegible]

Blasphemia multiplex ... [illegible] ... capite ... Rom. ... [illegible] ... blasphemos ... [illegible]

... exod. cap. 20. ... [illegible]

... 4 ... [illegible]

[illegible] ... male ... [illegible] ... 8 ... [illegible]

... blasphemantes ... [illegible] ... sanctos ... [illegible] ... discedunt ... [illegible] ... fratrem ... illius ... [illegible]

... blasphemaret ... [illegible] ... dignus est ... Hier. in epla ad Pammachium ... 204 ... 2° tom. et in apolog. ... [illegible]

Blasphemia venia indigna ... [illegible]

Blasphemia ... in Spiritum Sanctum ... [illegible]

... peccatum omne et blasphemia remittetur hominibus ... [illegible] ... filium hominis ... [illegible] ... Spiritum Sanctum non remittetur ei, neque in hoc seculo neque

[illegible] blasphemari [illegible]

[illegible] incuriam, aut ex ebrietate, dicentionis dant. [illegible] quia in

[illegible] blasphemia [illegible]

[illegible]

[illegible] concordia [illegible] loco [illegible]

[illegible] in criminalibus [illegible] in [illegible] par. 2

[illegible] 2 [illegible] num. 36. Quae omnia si ad

[illegible] intelligantur [illegible]

[illegible] dicti [illegible] magnam et

[illegible] in dicitis, ad esse poena ordinaria [illegible]

[illegible] minus ad [illegible] indignatio [illegible]

[illegible] et si [illegible] pro ira et

ex [illegible] subiiciendis [illegible]. Sed [illegible] illud [illegible] Bart. [illegible]

[illegible] et quod [illegible] ad quod [illegible]

[illegible] quod crimen [illegible], hoc est [illegible] dixerit, al [illegible]

[illegible]

[illegible] 4. [illegible] et [illegible]

[illegible] ratio est, quia ex communi usu loquendi [illegible]

[illegible]

[illegible] est blas[illegible]

[illegible]

[illegible] doc. [illegible] aiunt per haec posse amicum

[illegible] principis liberari. [illegible] haec dict[illegible]

[illegible]

[illegible] Blasphemia [illegible]

[illegible]

[illegible] communiter [illegible]

[illegible] sic Bart. [illegible]. Al dispetto di dio tu hai [illegible] 6

[illegible], ma tu no mi [illegible] et haec [illegible] verba [illegible]

[illegible] quasi dixerit, tu [illegible] iustitia, [illegible]

[illegible]

[illegible] dicta animo [illegible]

[illegible]

[illegible] ... [illegible] dom. [illegible] manumis.

[illegible] solum. [illegible] sed [illegible] opinio [illegible] in dec. 98 col. 2 [illegible] in [illegible] expulsione [illegible]

possessione intelligitur illa sententia [illegible] expulsione [illegible] [illegible] [illegible] in dec. 201 [illegible] quod [illegible]

[illegible] monasterij [illegible] [illegible] [illegible] excludendi [illegible]

monachi [illegible] monat [illegible] prioratum [illegible] in

dec. 188 col. 3 [illegible] [illegible] et alio [illegible]

dicit [illegible] volebat intelligentur illa verba [illegible] [illegible]

in litis [illegible] [illegible] [illegible] [illegible]

ons. 9. n° 20. [illegible] similia [illegible]

[illegible] interpretando facienda est [illegible] [illegible] ut [illegible]

[illegible] [illegible] [illegible] plura [illegible] in

[illegible] ostendendi quod [illegible] in ijs quae sunt [illegible] generi

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] sic [illegible] in casu isto

[illegible] bischai [illegible] il caminetto [illegible]

[illegible] [illegible] [illegible]

[illegible] ad [illegible] exclusionem [illegible] [illegible]

[illegible] caminetti [illegible] [illegible] blasphemia

[illegible] [illegible] verba [illegible] tuhai [illegible] il caminetto [illegible]

magis [illegible] esse [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] eandem [illegible]

[illegible] [illegible] bonum [illegible] [illegible]

[illegible] [illegible] [illegible] blasphemia verba [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] 8 n° 4 [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] fol. 21. 27. 10. 42. [illegible] [illegible]

[illegible] [illegible] illa verba [illegible] esse [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] modo [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] solitum

[illegible]

[illegible] dicta [illegible] ad [illegible] [illegible]

[illegible] judicat. 30. q. 5. [illegible]

[illegible] domini [illegible]

[illegible] dicit [illegible]

[illegible] 178. [illegible]

[illegible] (inquit) [illegible]

[illegible] rationibus [illegible] [illegible]

[illegible]

[illegible] Susana [illegible]

[illegible]

[illegible] in casu de quo agitur [illegible] Bart.

Reuocatio fortior. [illegible] & [illegible] [illegible] fortior [illegible]

[illegible] affirmationem [illegible] affirmandum [illegible]

[illegible] dicitur. & [illegible] Deci.

[illegible]

[illegible] examinatori [illegible]. Sed [illegible]

[illegible] loco [illegible]

[illegible] affirmat [illegible].

[illegible] n°. 36. [illegible]

Bart. [illegible] examinari [illegible] affirmat [illegible]

[illegible] inter ceteros [illegible]

fol. 22. 12. fol. 23. 35. fol. 54. [illegible]

fol. 24. [illegible] 3.° capto. ex quibus depositionibus satis co[n]stat ad [illegible]
magistr. Bene[illegible] nec verba illa et [illegible] [illegible] absoluenda [illegible]
[illegible] appropinquare [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] attamen nullam [illegible] [illegible] multas [illegible]
[illegible] [illegible] dica [illegible] [illegible] sonas [illegible] omni [illegible]
[illegible] maiores [illegible] in criminalibus requiruntur [illegible]
[illegible] animadvertenda [illegible] quod in [illegible] Barthol.m [illegible]
[illegible] die 3.a Xbris. 1571. [illegible]
[illegible] ea die in specie [illegible] januarii [illegible]
Sed falsum est hoc, [illegible] die [illegible] iudicata fuit sententia
[illegible] Barth.m [illegible] Benigni [illegible]
[illegible] sicuti maniores [illegible] Benignus [illegible] 12 [illegible]
3.° capto. fol. 25. [illegible] sicuti [illegible] Barthol. dicit [illegible] constitutos [illegible]
sententia [illegible] sed die. xi. [illegible]
[illegible] [illegible]
[illegible] hoc [illegible] amico suo [illegible]
[illegible] maioribus mendaciis [illegible] abstinuerit [illegible]
ad officium [illegible] [illegible]
[illegible] verba [illegible] Sed [illegible] alium
[illegible] [illegible]
[illegible] in [illegible] vocatur [illegible]
[illegible]
[illegible] in carcere [illegible]
[illegible] sermone [illegible] quia [illegible] eadem
verba videntur [illegible] ea quae tradit
[illegible]
[illegible] verbis [illegible]
[illegible]
suspecto [illegible] comp. [illegible] ex [illegible]
[illegible] eadem [illegible] verba [illegible]
[illegible] asserit Barth.m
[illegible] caminutto [illegible]
[illegible] verba [illegible] al
[illegible]
[illegible]
[illegible] al dis [illegible]
[illegible] verbis [illegible]
[illegible] verbis in dictum [illegible]
[illegible] verba [illegible] mai di me [illegible]
.32. [illegible] c'hai fatto [illegible] caminutto [illegible] [illegible]
[illegible] non modo [illegible] falsos [illegible]
[illegible]

[illegible] admirator [illegible]

[illegible] uno [illegible]

[illegible] examinat [illegible]

[illegible] appositiones [illegible]

[illegible] ex sua [illegible] causa [illegible]

[illegible] inimicitiae [illegible]

[illegible] continuatimus [illegible]

[illegible]

[illegible] d. salutionem. [illegible]

[illegible] non modo [illegible]

[illegible] cum oportet [illegible] accusa. [illegible] si vero dicam [illegible]

[illegible] cum [illegible] Mars. in [illegible] 2. n° 43. in [illegible] 13. n° [illegible]

[illegible] illi qui causas habet inimicandi [illegible] c. [illegible]

[illegible] sequitur [illegible] praesumptione [illegible]

[illegible] et sic [illegible]

[illegible] nullam [illegible]

[illegible] Silvestri [illegible] Barth. [illegible]

[illegible] quidem [illegible] quod hac [illegible]

[illegible] constat ex depositionibus testium [illegible] fol. 19. 16. fol. 32. 17. fol. 34.

32. fol. 46. 33. fol. 48. 36. fol. 55 ac 37. fol. 57. [illegible] xi° et 12°. [illegible]

Quod [illegible] in iure [illegible] quod [illegible] ex causis [illegible]

[illegible] in [illegible] et [illegible]

[illegible] Bal. in [illegible]

[illegible] dominico [illegible] amico [illegible] inimici quod [illegible]

[illegible] testi. [illegible] Jo.

hierosoli. [illegible] 172. [illegible] iudicem [illegible] amici et inimici [illegible]

inimicus esse [illegible] in scripto [illegible] Amicus [illegible] indicat [illegible]

[illegible] in [illegible] testimonium dicendum iuxta dictum Senec. in lib. [illegible]

[illegible] sub cap. [illegible] 2° quod de

[illegible] col. [illegible]

[illegible] inimici [illegible]

[illegible] accusa. [illegible] Bar. in [illegible]

[illegible] Succedit [illegible] examinatus [illegible] dicto [illegible]

[illegible] 4° quia [illegible] xi. fol. 23. 24. fol. 40. [illegible]

[illegible] 31. fo. 54. [illegible] 18. [illegible] testimonio creditur [illegible]

[illegible] in [illegible]

[illegible] in 3° col. [illegible] in causa criminali. Jo. and. [illegible]

[illegible] in [illegible] 149. col. 2. in 2° col. [illegible]

[illegible] 2° quia [illegible]

[illegible]

[illegible] 19. [illegible] 17. [illegible]

[illegible]

nisi [illegible] in [illegible]

[illegible] testi. [illegible] Joannes Tiburtinus [illegible]

[illegible] quia non est in [illegible]

[illegible] solet, [illegible] quia intimus [illegible]

[illegible] causam, [illegible]

[illegible] inimicus esse Barth. [illegible]

[illegible] Barth. [illegible] nec [illegible] loco [illegible] dictus Barth.

[illegible] hoc est [illegible] in camera [illegible]

[illegible] praedictum [illegible] verba illa [illegible]

non modo [illegible] suspectum faciunt sed [illegible] omnem [illegible] Quod [illegible]

[illegible] omnia [illegible] depositionibus [illegible]

[illegible] 14. [illegible] 16. [illegible]

[illegible] 17. 4. fol. [illegible] 20 [illegible] 37. [illegible]

41 [illegible] 34. fol. [illegible] Dicitur autem [illegible] ne sit idoneus quia [illegible] omni [illegible] ex [illegible] [illegible] nec iure obligatur. Sicut idem Bar. in l. [illegible] habet. §. si pupillus. ff. de [illegible]. Bal. in l. [illegible] in x. q. C. [illegible] Et multa [illegible] in [illegible] 104 [illegible] Quod [illegible]

42 Testimonium [illegible] in causa [illegible] admittitur. non sit [illegible] [illegible] Bar. in [illegible] Barb. in [illegible] de inimico, [illegible] inimicitia [illegible] ex aliis [illegible] in [illegible] ex [illegible] ex ipso [illegible] in [illegible] [illegible] modo [illegible] Isto termino [illegible]

43 [illegible] adhibeatur [illegible] [illegible] rex. et in. c. licet causam. de [illegible] §. [illegible] opinionis et in [illegible] [illegible] [illegible] testibus mali famae [illegible]

44 Criminosus [illegible] [illegible] infames in omni [illegible] [illegible] criminosus. licet [illegible] damnatus non fuerit. ex. c. [illegible] il. [illegible] Gadin. [illegible] Alex. in cons. 155. in 5. [illegible] [illegible] 152.

45 [illegible] Bal. [illegible] optime [illegible] Exceptione maioris, [illegible] in causa criminali in qua nullus admittitur, qui exceptione [illegible] [illegible] in [illegible] causa hac criminali [illegible] causa civili in [illegible] ipsum, Sylvester in causa [illegible] [illegible] testimonium [illegible] in causa [illegible] [illegible] Cic. [illegible] Rex [illegible] 37. [illegible] [illegible] non maiorum [illegible] in minimis causis hominis amplissimi [illegible]

Testium [illegible]

[illegible] Sylvester [illegible] [illegible] fol. [illegible] fol. 48. / 30. fol. 11. / 37. fol. 57. [illegible] [illegible] mala fama [illegible] [illegible] multas [illegible] [illegible] fol. 66. [illegible]

[illegible]

[illegible] alitamet quale sit male fame, quod si alicui [illegible]

[illegible] in illo [illegible] trusta [illegible]

[illegible] tamen nec [illegible], nec [illegible]

[illegible] ationem, cuius [illegible] est [illegible]

[illegible] tibi [illegible] Hier[illegible] [illegible]

[illegible] licet eis eo [illegible] mater eius [illegible]

[illegible] in sua [illegible]

[illegible]

[illegible] ausam; imo [illegible]

[illegible] subterminata quibus notariorum [illegible] causa [illegible]

[illegible] ex gratia [illegible]

[illegible] sub die [illegible]

[illegible] cum [illegible] paderno [illegible]

[illegible] solutionis [illegible]

[illegible] officii hoc [illegible]

[illegible] infamia [illegible]

[illegible]

[illegible] educta [illegible] ex [illegible] nil [illegible] Bartho[lus] quia testes
ius [illegible] ad [illegible] non esse [illegible] adhibita in hac causa criminali
in qua testes omni [illegible] et talis.
[illegible] imo et si testes [illegible] iterum [illegible] ad [illegible] fore,
cum [illegible] in dubio [illegible] Bar.
[illegible]

[illegible] se [illegible] in dub[io]

Testibus [illegible]

[illegible]
[illegible] per [illegible]
[illegible] et non in [illegible]
[illegible] conferentem [illegible] testium utriusque examinare [illegible]
[illegible]
[illegible] testes: et quia [illegible] Hier[onymus] [illegible]
[illegible] [illegible] 41. [illegible] Testes meus fuit [illegible]
[illegible] indices [illegible] in hoc [illegible] officium ut [illegible]
[illegible]
[illegible] [illegible] generaliter [illegible]
sum qui [illegible] dicti [illegible] capit. 19. [illegible] quia [illegible]
in [illegible] 26. ad indicii [illegible]
[illegible] Ne [illegible]
[illegible]
[illegible] quod [illegible] ad querelandum non fuit
[illegible] zelo religionis sed ex odio querelavit vel ex multis in
[illegible] [illegible] ex [illegible] nomine Sylvester [illegible]
[illegible]
[illegible]
accusator, qui plures [illegible] fuit [illegible] ad [illegible] Jo. [illegible], ut supra
[illegible]
[illegible] sicuti [illegible] ex [illegible] Paulo [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] qui omnes [illegible]
[illegible] modo hic modo istic
[illegible] in [illegible] et [illegible] Barth[olomeu]m [illegible]
sis [illegible] officio, [illegible] illa omnino turpissima. [illegible]
[illegible] capite [illegible] ex [illegible]
dum est. Barth[olomeu]m neque [illegible] teneri, quia [illegible]

[illegible] Multis in causis [illegible] [illegible] [illegible] quod [illegible] Alicon [illegible]
[illegible] Columbum [illegible] [illegible] [illegible] [illegible] in [illegible] maxime
[illegible] [illegible] [illegible] [illegible] causa [illegible] cui [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] causa [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] hoc [illegible] quadragesimali [illegible], quod [illegible] salutis [illegible]
[illegible] [illegible] [illegible]. L. B.

[illegible] Richts [illegible] tumultuarie hæc
[illegible] [illegible] [illegible] causa [illegible]

[illegible]

Con[illegible] in [illegible] ... nisi fallor ...
[illegible]
fectissime [illegible]
[illegible]
tionem [illegible] Sedtia [illegible] loco [illegible] virtute [illegible]
[illegible]
[illegible]
[illegible] quod [illegible] ... [illegible] dimui [illegible]
[illegible] id quod necessarium illi fuit [illegible] quia [illegible] statutio ipsa

[illegible] ... forma ut [illegible]
[illegible] in suis primis rationibus [illegible]
[illegible] verba videntur astringere [illegible] ad [illegible]
[illegible] quod [illegible] glo. in c. ut circa [illegible]
[illegible]
[illegible]
[illegible]
[illegible] omnia actui [illegible]
quia omne [illegible] ex forma. no. in c. in civitate. [illegible]
forma dat [illegible] l. iulianus. [illegible]
[illegible]
no. 257. [illegible] quod ubi deest forma, actus [illegible]
[illegible]
sine illa [illegible] ... [illegible]
[illegible] ... no. dec. in l. placet. [illegible]

In dubio forma [illegible] om. inde [illegible] in dubio [illegible] forma [illegible] substantialis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Forma indivisibilis [illegible] [illegible]

Statutum dictionis [illegible] verba [illegible] annulla [illegible]
[illegible] sentia [illegible] Rom. in [illegible] 402. Deci. in [illegible]
[illegible] domini. no. 14. [illegible] no. 20. [illegible]
forma data [illegible] ubi non est clausula [illegible]
[illegible]
[illegible] dubium. col. antepe. [illegible]
[illegible]
[illegible]
isto nec in principio, nec in medio, nec in fine [illegible]

[illegible] aut exceptis [illegible] de no. [illegible]
[illegible] dispendia in [illegible]
[illegible] oblata. ff. ad trebel. [illegible]
[illegible] obliga
[illegible]
[illegible] uia [illegible] satis [illegible] l. i. ff. [illegible]
[illegible] hoc [illegible] sufficiente [illegible]
[illegible] haec quoque sufficienoum.
[illegible] contractum [illegible]
[illegible]

[illegible]

[illegible] videtur [illegible]
[illegible] iudicium [illegible]
[illegible] l. pr. ff. et [illegible]
[illegible]
[illegible] in cui [illegible]
[illegible]
[illegible]
illi [illegible]
[illegible]

[illegible] ... condere quisque non cogi[tur] ... [illegible] ... C. de ... et feruatur
ab initio sui ... l. sicut. C. de ... et oblig. l. invitus. C.
... l. nec. C. de ... et in terminis nostris, quod possi[t]
... cum velit videre antiqua ... qua ... tene-
ri ... [illegible] ... tex. est in l. ... C. de
[illegible]
... in ... et ... l. si vero. §. de viro. ff.
... singulare. et l. quod vero ... ff. de leg. ...
... sit ... rationabilis subest causa, ... qui ...
... ex ... [illegible] ... a ...
... plures sunt causae, praecipua illa ... for-
[illegible]
... Praeterea et ... [illegible]
... ex ... [illegible]
[illegible]

Postremo me movet ... [illegible] ... quod ...
[illegible]
... Liberalis ... Quod a pluribus partibus Georgius ...
[illegible]
... ex ... Georgij fol. 33. ... maiori ex par-
te ... liberalis: et ex ... eiusdem Georgij fol. 39. ...
fol. 42. ... sequitur Liberalis, ... potuisse, nec ... praecedere ...
[illegible]
... in verbis ... l. ... in ...
... clarissima sunt in verbis ... duo ... quod ...
... habere ... ampliorem ...
in hoc sunt duo, ille praefertur qui plures habe[t]
... quia qui magis ... maius ius habe[t]
... magis ... Et duo vincula ma[gis]
[illegible]
... et ... [illegible]
... ad ... [illegible]
[illegible]
... Non obstat modo, quod ab una ... parte ... Georgius
... Liberalis ... ab alia parte ...
... sit via ...

.io.
a verbis clarissimis non recedendum.

Duo vincula magis ligant.

[illegible]

... mat ... [illegible]

... ll. ... consi[illegible]

[illegible]

prim. ... opr. ne. nume. ... quem ... [illegible]
... ff. ... [illegible] ... in glo. ... sub verb. ... [illegible]
... n°. 21. 22. Char. 42. ... loco n°. 20. ... statutum ...
... alienaciones fieri ... vicino. intellisi ... et remotiori.
... ex his ... contributionem. comprehendere ... Georgium in ea parte
... mediate ... magis. quia ... multiplex ...
... quod ... simplex ... in ... et ... in ... [illegible]
[illegible]

... vicinalis ... loc. 2° ... pub. ...
... multa ... olim. col. ij. ... exce. ...
... in. l. i. ... lib. xj. qui ... in. l. i. ... loc. ...
pub. ... via vicinalis ... an sit publica. quia ...
... publica via ... via vicinalis multum ... nec sufficit ...
... publica ... quod solum publicum sit ... via publica

[illegible]

.18. Dicimus de illo qui medicinam habet ciuem conductam.

[illegible] c. si [illegible] l. i. §. [illegible] prius [illegible]
[illegible] ibi [illegible] Inno. in c. calumniam [illegible]
[illegible] §. si quis prius [illegible] ubi [illegible]
[illegible]
[illegible]

.19. [illegible]
[illegible] pari [illegible] in [illegible]

.20. De medicis non [illegible]
[illegible]
[illegible] Donus, qui in [illegible]
[illegible] in urb. [illegible]
[illegible]
[illegible] medica [illegible] in [illegible]
[illegible] in urb. [illegible] medico crimine [illegible]
[illegible] qui [illegible]
[illegible] medico [illegible] ubi [illegible]
pone [illegible] colonus [illegible]
[illegible]
[illegible] ex hac lege. [illegible]
[illegible] medica [illegible]
[illegible] consimilia [illegible]
[illegible] quod medica [illegible] ex [illegible]
[illegible] non est [illegible] consideratione, nec illa [illegible]
esse medici [illegible]
[illegible]

.21. [illegible] verba [illegible]
[illegible]
[illegible]
[illegible]

.22. [illegible] qui habet medicum [illegible]
[illegible] in terminis [illegible]
[illegible] quod [illegible] dicit [illegible] ille qui habet [illegible]
[illegible] medicus [illegible]
[illegible]
[illegible]
[illegible]

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

¶ [illegible]

[illegible]

[illegible] tvono [illegible]
[illegible] cdl. [illegible]
[illegible] do [illegible]
[illegible]
[illegible]
[illegible]
[illegible] circa [illegible]
[illegible]
[illegible]

[illegible]

[illegible] nobles [illegible]
[illegible]

[illegible] medicina [illegible]

[illegible]

[illegible]
[illegible] sotto il mio portico senza [illegible]
[illegible] 17 [illegible]
[illegible]
ut [illegible] cap° [illegible] fumarios [illegible]
[illegible]
[illegible]
fiene [illegible] duo dicbi [illegible] et [illegible]
est, quia [illegible] fumarios [illegible] ponit, nō modo [illegible]
[illegible] alieno [illegible]
[illegible] depositum, in quo [illegible] comaun [illegible] duc.
700 [illegible] fumarios sub. 5° cap° fol. [illegible]
circa [illegible] fumarios [illegible] 7 [illegible] cap° fol. 35 [illegible]
[illegible]
[illegible] di [illegible]

[illegible]

[illegible] fuimt fun [illegible]

[illegible] iudicium [illegible]

[illegible]

[illegible] parte de [illegible] diuicion [illegible]

funarius mulier [illegible]

[illegible]

[illegible] Antoni [illegible] 1429 [illegible] ianuarij soluerunt

[illegible] in [illegible]

[illegible] et [illegible] inobedienti [illegible] ad

[illegible] ad [illegible] 232 [illegible] ad [illegible]

[illegible]

[illegible] ad [illegible]

[illegible] solidationis [illegible]

[illegible] ad [illegible]

pa[illegible] . 17 . aprilis [illegible] bonificam [illegible]
[illegible] et [illegible] in [illegible] celebrabit [illegible] sibi [illegible]
fuisse confectum nullaque in illis computi errorem [illegible]
esse [illegible]
duabus portis regitur, ut ex [illegible]
exhibitis apparebit . minusque [illegible]
inobedienti [illegible] cum [illegible] commori
[illegible] esse bonificandas [illegible] credentium lig[illegible]
[illegible]
fuere [illegible] in £ 2323 15 . ad quam [illegible] funarii [illegible]
[illegible] £ 4 [illegible] die 20 . dicti [illegible] . 2 . fenor . 3
£ 637 10 , quas tamen funarii non ponunt in eorum computo
[illegible] vos solvisse [illegible] £ 2323 [illegible] quod [illegible]
[illegible] quid plus [illegible] solvisse, [illegible]
[illegible] sit in eorum [illegible] die 14 . maii [illegible]
[illegible]

† m

12.

Salvator [illegible] Rer[illegible] et [illegible] (ni fallor) fovet causam in contro-
versia [illegible] cum [illegible] magistrum Dominicum Sirij [illegible] loco,
sicut [illegible] [illegible] [illegible] [illegible] facere [illegible] videntur [illegible] [illegible]
[illegible] pacta inita inter locatorem et conductorem servanda sunt et [illegible]
[illegible] renovantur. tex. est in l. [illegible] C. loca. l. videamus. in [illegible]
[illegible] ff. locat. [illegible] [illegible] [illegible] [illegible] nec [illegible]
[illegible] [illegible] [illegible] locationis [illegible] [illegible] est in
omnibus pacta sunt servanda. l. ait praetor. [illegible] [illegible]
Salvator [illegible] anno 1567 [illegible] [illegible] [illegible] [illegible] dominio [illegible]
[illegible] in [illegible] locationis fol. [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible]

2°. locatio facta fuit [illegible] anno 1567 ut supra ad [illegible]
[illegible] [illegible] [illegible] anno 1570 [illegible] in [illegible] 21 [illegible] 1570
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] tempore [illegible] [illegible] 21 [illegible] [illegible]

3°. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] loca.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] quia [illegible] [illegible] [illegible] locationis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] forma.
[illegible] [illegible] [illegible] [illegible] [illegible] nulli [illegible] [illegible] [illegible]
[illegible] renovatur [illegible] annum saltem, cum [illegible] in [illegible] [illegible]
casu [illegible] tex. [illegible] [illegible] item [illegible] [illegible] loca. [illegible]
[illegible] [illegible] [illegible] [illegible] C. [illegible] [illegible] [illegible] [illegible]
in [illegible] usque ad mensem augusti 1570 [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] videtur, quod ex [illegible] locatio [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ante [illegible] finitae locationis [illegible]
tacito [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] decembris.

4°. Salvator [illegible] [illegible] [illegible] locationem praedictam 1567 [illegible]
locatio [illegible] [illegible] [illegible] possessionem [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod locatio non [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 14 n° 8 [illegible] [illegible] [illegible]

Quibus tamen non obstantibus [illegible] [illegible] non obstante, diversum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

1°. [illegible] in [illegible] [illegible] [illegible] locationis facta [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] locatio [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] locationi [illegible] [illegible]
[illegible] locationis [illegible] [illegible] [illegible] [illegible] [illegible] expres-
sione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

p. l. i. et ij. ff. si ag. vectig. vel emphit. pet. et l. i. §. quod autem [illegible] semper [illegible] locationum [illegible] annuam [illegible] perpetuam [illegible] Bal. [illegible] C. locare [illegible] p. glo. in d. l. i. §. i. et superficie [illegible] etiam sequitur Jas. [illegible] l. ij. ubi [illegible] alij doc. sup. verbo repellere [illegible] emphi. Alex. cons. [illegible] in p° col. Bart. in cons. [illegible] n° [illegible] in 2° col. [illegible] pindenon [illegible] [illegible] [illegible] locatione [illegible] tenens [illegible] anni [illegible] [illegible] in locatione [illegible] d. l. [illegible] §. [illegible] ff. loca. [illegible] controversia [illegible] [illegible] [illegible] in 2° [illegible] [illegible] [illegible] [illegible] [illegible] conductorem [illegible] [illegible] [illegible] conductione [illegible] [illegible] [illegible] [illegible] [illegible] conductionis titulo [illegible] loca. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tertio [illegible] [illegible] peccatur.

2° moveor [illegible] in l. ede quam C. loca. ubi locator [illegible] locata [illegible] [illegible] conductorem expellere [illegible] bonis locatis [illegible] [illegible] [illegible] locum [illegible] [illegible] [illegible] finita [illegible] [illegible] [illegible] causa [illegible] locavit [illegible] [illegible] in [illegible] [illegible] 24 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] principatus C. [illegible] i. q. [illegible] l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] necessario [illegible] [illegible] in eius animo [illegible] [illegible] [illegible] in animo [illegible] [illegible] [illegible] [illegible] [illegible] 2° [illegible] [illegible] [illegible] [illegible] ambiguum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 2° [illegible] [illegible] [illegible] [illegible] substitutionis [illegible] [illegible] [illegible] [illegible] in 6° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] eiusdem ff. de accusa.

3° [illegible] [illegible] [illegible] l. ede C. loca. [illegible] [illegible] [illegible] locatione expelli [illegible] conductorem si male versetur [illegible] [illegible] hoc casu [illegible] male [illegible] [illegible] [illegible] locatio [illegible] [illegible] [illegible] [illegible] [illegible]

18 [illegible]

19 [illegible]

20 Educator sinali [illegible] expelli

expelli. Quod autem male versus [illegible] liquidacione, et estimacione dicti
[illegible] anni [illegible] [illegible] qua estimacio, et liquidacio [illegible]
et [illegible] facta fuit [illegible] ad id per iudices [illegible] deputati
[illegible] anni [illegible] [illegible] [illegible] [illegible]
[illegible], ut per nota [illegible] Dominus [illegible] ex [illegible] capis
[illegible] [illegible] [illegible] primo [illegible] fuisse [illegible], [illegible]
[illegible] [illegible] a [illegible] usque ad estimacionem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], unde cum Dominus [illegible]
[illegible] [illegible] [illegible] locacio et [illegible] annis [illegible]
[illegible] primo [illegible] [illegible] [illegible] colere [illegible] boni
coloni nec [illegible] cultura racio expostulat sed male [illegible]
in [illegible] unde [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible] durante locacio [illegible] [illegible] [illegible] [illegible] demonstracio [illegible]
[illegible] ex mala cultura [illegible] dampni [illegible] [illegible] [illegible] [illegible]
21 Colonus tenetur de dolo et culpa et negligencia. [illegible] dimidia bladorum [illegible] [illegible] iudex [illegible]
[illegible] modo et dolo [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible], [illegible] nullo [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] sublata [illegible] [illegible]

Non obstat [illegible] quod [illegible] loco [illegible] [illegible] [illegible] [illegible]
[illegible], [illegible] [illegible] [illegible] respondit [illegible] [illegible]
[illegible] [illegible] loco [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Dominus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ex liquidacione [illegible]
22 Frangenti fidem fides frangatur eidem. [illegible] frangenti fidem fides frangatur eidem [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] maior [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] divisionis [illegible] [illegible] [illegible]
23 [illegible] [illegible] [illegible] [illegible] locacione [illegible] [illegible] [illegible] expellere [illegible]
[illegible] [illegible] [illegible] hoc [illegible] [illegible] [illegible]
[illegible] [illegible] non expellere [illegible] colere [illegible] [illegible] [illegible] hoc
[illegible] lex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] nisi lex [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in casu isto [illegible] [illegible]
[illegible] [illegible] [illegible] coloni [illegible] [illegible] [illegible] [illegible]
24 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] male versatus [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
25 Leges legibus concordande [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
26 Lex a lege recipit distinctionem et limitacionem. [illegible] [illegible] lex [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

sit finem [illegible] ad annos [illegible]
anno in annum, consequens est [illegible] novare

[illegible] ex negativa quod [illegible] facta locatio ad [illegible]
25 Negativa fortior ad [illegible] affirmativa ad affirmandum. — in anno [illegible] negat, affirmativa affirmat [illegible] glo. [illegible]
nos [illegible] mon. glo. in c. [illegible] Bald. [illegible]
ex [illegible] col. 2. et [illegible] cons. [illegible] Jan. [illegible] 141. [illegible]
[illegible] affirmativa [illegible]
25 [illegible] — per salvatorem indicandum [illegible] cum [illegible]
2 Rem sicut alter excusp. [illegible] — [illegible] in exceptionibus [illegible] tenetur
[illegible] ut [illegible]
30 [illegible] — [illegible] solum exce
quod dominium [illegible] ex [illegible] locationis in modus [illegible] affirmativam [illegible] doc. [illegible] ut [illegible]
Bar. in l. [illegible] doc. [illegible] Bar. in l. [illegible]
[illegible] Bal. in l. [illegible]
[illegible] Bal. in l. [illegible] manu [illegible]
[illegible] locatione [illegible] quod ad [illegible]
[illegible] locatio [illegible]
dum, cum locatio sit finita.

[illegible]
respondes quod [illegible] annua [illegible]
[illegible] anno [illegible] locatio [illegible]
[illegible] annalis [illegible]
finitas [illegible] locum [illegible] illa ratio, quod [illegible]
[illegible] quod [illegible] facta [illegible]
[illegible] quia [illegible]
[illegible] forma [illegible]
[illegible]
[illegible] forma [illegible]
[illegible] ad [illegible] forma [illegible]
[illegible] ff. [illegible] l. [illegible] in prin.
ff. ad l. falci. cum sim.

32 — [illegible] — [illegible] quia licet [illegible] nec dominium [illegible]
[illegible] ut [illegible] in l.
[illegible] n° 12. [illegible]
[illegible] Bal. [illegible] col. 4. [illegible] nec [illegible]
locatio [illegible] fructuum [illegible]
[illegible] Bar. in l. [illegible]
[illegible] n° 22. 23. [illegible]
n° 42. fol. 107. [illegible] n° 12. [illegible] apud Alex. [illegible]
[illegible] n° 2. [illegible] col. [illegible]
[illegible] nec dominium nec poss. sed solum [illegible]

De primo [illegible]
[illegible]
[illegible] ne [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Sh. amice Car.[mi]

Vidi [illegible] scriptum ad me sub [illegible] sigillo, [illegible] transmissum formatum [illegible] D. Florenti Jeremiae et Saullo [illegible] ex [illegible] Bedmin. [illegible]

[illegible] Jo. [illegible] campo molino [illegible]

[illegible] seriptum [illegible] [illegible]

[illegible]

Forma diffinitiva, [illegible] [illegible] [illegible] forma [illegible] mutacio in forma [illegible] forma [illegible] in minima [illegible] [illegible] quod forma [illegible] observanda [illegible]

[illegible]

Irricolariones [illegible] [illegible] difficilis [illegible] simulatio [illegible] ex [illegible] [illegible]

[illegible] potius pignoris [illegible] emptionis allegani [illegible]

[illegible]

[illegible] Rub. [illegible] 76 [illegible]

[illegible]

[illegible] maiorem [illegible]

n° 57 [illegible] de mediatore [illegible]

[illegible] Bal. [illegible]

[illegible] multum sanguine [illegible]

[illegible]

[illegible] 444 [illegible] 445 [illegible]

Bal. [illegible] de ferentione [illegible]

additionem est [illegible]

[illegible] Rub. [illegible]

[illegible] Bal. [illegible] 498 n° 1 [illegible]

[illegible] 8 [illegible] 22 [illegible] 78 [illegible] 61 [illegible] 7 [illegible] 31 [illegible]

[illegible] contractus [illegible] simulatus [illegible]

[illegible] additionibus [illegible]

[illegible] additus [illegible] hac omnia

[illegible] contractum [illegible] simulatus [illegible]

[illegible] pignoris [illegible] emptionis [illegible] additionis [illegible]

[illegible] quod [illegible] simulati [illegible]

[illegible] magis [illegible]

[illegible]

[illegible] toto [illegible]

[illegible]

[illegible]

[illegible]

[illegible] suspectionem [illegible] emptionis [illegible]

[illegible]

[illegible] significanti [illegible] additurus est [illegible]

[illegible]

[illegible]

[illegible] in solutione [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] pignoris [illegible]

13.

mediate[s] [illegible] restitucione. maxime aut[em] [illegible] [illegible] [illegible]
[illegible] [illegible] quinine [illegible] capi[illegible] [illegible] [illegible] [illegible] [illegible]
ipsi [illegible] frat[er] in [illegible] [illegible], [illegible] [illegible] quod supra dicta [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] Colonna [illegible] [illegible]
[illegible] et Ordino [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et in similibus [illegible] [illegible] [illegible]
romanae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indi.
Et itaque [illegible] mea judicet, et [illegible], [illegible] et [illegible] [illegible] [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] comendo. [illegible]

Sp. me[illegible] Flam. de Rubeis [illegible] [illegible] [illegible]
calamo [illegible]scribit.

Sine actione exhereditationis D. Matthaeum dictam [illegible] ex [illegible] endis admittitur, quae in medio agitur oberrandum est, tamen meritum causae ad [illegible] non veniat expediendum, sed tantum articulus admissionis [illegible] [illegible] D. Pauli et Laurentii [illegible] [illegible] [illegible] [illegible] [illegible]

Quia cetera [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in immunitate articulo [illegible] [illegible] [illegible], dico [illegible] [illegible] illa non admitti [illegible] [illegible] ad [illegible] [illegible] [illegible], [illegible] [illegible] sunt verba [illegible] [illegible] [illegible] Rub. [illegible] in [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] indistincti sunt [illegible] tenda [illegible] [illegible] [illegible] admittendorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] verbis [illegible] [illegible] [illegible] [illegible] [illegible] non est ab eis recedendum [illegible] [illegible] [illegible] [illegible]

A verbis non est recedendum. .i. [illegible] [illegible] in verbis ff. de leg. 3° l. 3 in [illegible] C. de lib. praet. [illegible] [illegible] ff. de verb. obl. cum [illegible] [illegible] [illegible]; praxime [illegible], quia [illegible] [illegible] [illegible] patria conformis est [illegible] dispositioni iuris communis [illegible] [illegible] [illegible] maxi [illegible]

Verba dispositiva [illegible] ad probationem [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hoc non esse [illegible] [illegible], [illegible] [illegible] in [illegible] [illegible] [illegible]

Ceterum ad meritum [illegible] [illegible], dico ipsos [illegible] adeo [illegible] [illegible] [illegible], ut [illegible] in casu manifestissima [illegible] [illegible] absque [illegible] [illegible] [illegible] [illegible] ad maiorem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in facto ex quo ius oritur, ut [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Quod [illegible] D. Paulus de Laurentiis [illegible] in uxorem [illegible] D. Lucretia, ut [illegible] inter cetera, illius [illegible] registrato fol. x. [illegible] usque 21. [illegible] [illegible] D. Lucretia [illegible] fuit ab ipso D. Paulo [illegible] omnium bonorum [illegible] annos 8. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] D. Paulus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] lectura [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Lucretia [illegible] [illegible] [illegible] [illegible] [illegible] uxorem [illegible] [illegible] ex [illegible] [illegible] matrimonio, quae adhuc vivit ut in 7° [illegible] [illegible] fol. 7. [illegible] [illegible] [illegible] [illegible] D. Bartholomaei per [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible], in qua invenit [illegible] ad [illegible] D. Pauli [illegible], ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] .25. [illegible] [illegible] [illegible] exhibitionis [illegible] [illegible] [illegible] sub die [illegible] [illegible] [illegible] eodem fol. 25. 4° [illegible] quod dicta D. [illegible] [illegible] [illegible] bona [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Pauli [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible] [illegible] fuerunt dicta D. Lucretia [illegible] [illegible] D. Paulum [illegible] residuo [illegible] usque ad annos 8. hoc [illegible] [illegible] [illegible] ex [illegible] citatis actis, [illegible] scriptura, [illegible] fide

[illegible]

[illegible] fol. 20. [illegible] in [illegible] dicti [illegible]
[illegible] facto in 1508. 21. octobris. fol. 27. et 28. 5°. secundum est, quod [illegible]
[illegible] D. Pauli ut [illegible] D. [illegible] in responsione ad 12.m [illegible] fol. 7.
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] D. Bartholomea [illegible] eius uir [illegible]
[illegible] D. Pauli [illegible] ad [illegible] manus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad dic[illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible]
exhibitionis 7. martii 1509. fol. 25. 6.° in facto [illegible]
quod [illegible] D. Paulus ex hac uita discesserit de anno 1567. ut in 2.a positione
[illegible] D. Mathaeam. fol. 6. [illegible] ipsa D. [illegible]
[illegible] tantum [illegible] assertum chirographum a [illegible] D. [illegible]
[illegible] D. [illegible] respondendo 14.e positioni [illegible] fol. 8. [illegible]
[illegible] actum [illegible] seu exhibitionis dicti chirographi die 2. octobris [illegible]
fol. 28. [illegible] 7.° in facto uerum est quod chirographum [illegible] D. Mathaeam [illegible]
est dimidium tantum folii cuius altera dimidia forpice incisa uidetur [illegible]
[illegible] que in 17. [illegible] fol. 8. unde [illegible] D. [illegible]
[illegible] duc. 70. de quibus in asserto chirographo exhibuerat alios duc. [illegible]
Paulo, et qua in responsione ad 15. [illegible] altera dimidia [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] alia [illegible]
[illegible] [illegible] [illegible] [illegible] facta esse [illegible]
[illegible] chirographa [illegible] [illegible] [illegible]
[illegible] in 10. et 15. [illegible] admissione [illegible] [illegible]
D. [illegible] D. Paulus fuit uir [illegible] [illegible] [illegible]
[illegible] [illegible] qui multis [illegible] [illegible] sua exhausit, [illegible]
[illegible] [illegible] D. [illegible] [illegible] 2.a [illegible] fol. [illegible]
[illegible] [illegible] [illegible] suam [illegible] [illegible]
[illegible] [illegible] ipse [illegible] [illegible] pecunias [illegible]
[illegible] uxor [illegible] D. [illegible] fassa est habere pecunias [illegible]
[illegible] solutione [illegible] credi [illegible] licere duc. [illegible]
[illegible] in [illegible] mensis [illegible] [illegible] [illegible]
[illegible] D. [illegible] 9. [illegible] fol. 7. [illegible] unde [illegible] chirographum
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in facto [illegible] D. [illegible]
[illegible] nullatenus sustineri posset, [illegible]
argumentis et indubitatis indiciis ac [illegible] iam [illegible]
[illegible] [illegible] D. [illegible] [illegible] et ultra [illegible]

3\. Tan[illegible] solutionis [illegible]

[illegible] ex [illegible] solutio [illegible]
arg. l. 1. [illegible] [illegible] [illegible] [illegible]

4\. In dubio [illegible]

[illegible] [illegible] [illegible] qui tacuit ff. de interrog. act. [illegible]
ad hoc citat Rom. in cons. 493. n. 3. [illegible] difficile est [illegible]
[illegible] [illegible] Syl. [illegible] 170 in 2° [illegible] in [illegible] 2. in l. [illegible]
[illegible] animaduertis horum silentii [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible]

geminginij [illegible] satisfacta praesumitur, nec verisimile est, quod tandiu ta=
cuisset, nisi vere satisfacta fuisset, quia non praesumitur quod illa [illegible]
[illegible] proxima [illegible] in [illegible] cautionis a D. Paulo viro suo [illegible]
[illegible] minimi fideret [illegible] apud eum deponebat pecunias suas, et chirographi=
[illegible] cautionem [illegible] sub [illegible] et sigillo [illegible], mortuo
D. Paulo tam negligens fuisset, ut integro quinquennio tacuisset [illegible]

Diligentia [illegible] des eiusdem D. Pauli [illegible] D. Laurentiam [illegible] [illegible] [illegible]
se [illegible] quod [illegible] diligens officium spectat [illegible] Bal. in [illegible]
[illegible] dona [illegible] Maria [illegible] affic. [illegible] 13. col. 4. Cran. in cons. 129. n° 6.

Praesumitur qualis [illegible] et talis [illegible] praesumitur qualis fuit [illegible] Bar. in l. [illegible] minorem. [illegible]
[illegible] et ex praeterito praesumitur in [illegible] et futurum. Bal. in c. mandata
n° 1. [illegible] praesum. [illegible] in cons. 205. n° 7. Corn. cons. 109. n° 3. in 2° vol. et
cons. 298. n° 5. in 1° vol. [illegible] tex. in l. [illegible] dona. [illegible] vir. et uxo.

7. [illegible] editione capitur [illegible] et in l. [illegible] ff. de [illegible] et oblig. dixit quod ex qualitate facti et
editione personae capitur coniectura, [illegible] quod [illegible] Cran. in
alleg. cons. 129. [illegible] non est verisimile nec credibile quod D. Mathea diligentis=

8. [illegible] sima tandiu tacuisset nisi sibi fuisset satisfactum [illegible] iac=
tando. l. cum de indebito [illegible] l. si cum [illegible] ff. de solu. [illegible] adductis
[illegible] Corn. in cons. 127. n° 18. in 2° vol. cons. 9. n° 4. in 4° vol. ac cons. 79. n° 20. ac.
2. Soci. [illegible] cons. 21. col. 2. in fi. [illegible] in 1° vol. [illegible] et quod
D. Mathea fuerit satisfacta, et [illegible] integro quinquennio tacuerit, postea vero
in ius vocaverit [illegible] D. Pauli a D. Bartholomea [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] colludendo [illegible] D.

Collusio argumentis [illegible] Pauli vexat. Collusio autem argumentis dinoscitur, ut toto tit. in [illegible]
fi. [illegible] C. de collu. detegen. et [illegible] quidem [illegible] casu [illegible]
constat ex supra adductis in evidentialibus facti quod dicti [illegible]
[illegible] cum [illegible] D. Pauli [illegible] usufructus [illegible]
[illegible] D. Lucretia dicta D. Barth. [illegible] nec [illegible] [illegible]
[illegible] aliqua, et [illegible] [illegible], dicti [illegible] [illegible]
et causa, ut [illegible] causa [illegible] et [illegible] haereditatem D.
Pauli [illegible], chirographum [illegible] et [illegible] in haereditate D.
Lucretia [illegible] D. Mathea [illegible], ut dictos [illegible] vexaret [illegible]
et Mag.[illegible] communicavi [illegible] scripturas [illegible]
communicare [illegible], dicti [illegible] [illegible] [illegible]
[illegible] animum [illegible] omnes scripturas [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] chirographum D. Mathea [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

10. Geminatio [illegible] ad [illegible] et in actu 2. octobris 1571. [illegible] geminatio
multum operatur ut in l. si mulier la. 2. C. ad velley. et no. Bal. in [illegible]
mulier. [illegible] Barba. in cons. 14. in 3° vol. ac cons. 55. [illegible] vol. [illegible]
1236. ac [illegible] 937. [illegible] [illegible], ut apud Bar. in l. [illegible]
[illegible] lib. [illegible] Abb. in c. si cautio. in [illegible]
[illegible] col. 9. de arbi. Pau. Cast. in l. publia. [illegible] et in l. [illegible]
ratio. col. 2. ff. de dona. Roma. in cons. 200. [illegible]
et hinc tollitur illa praesumptio bonitatis quia malitia et [illegible]
[illegible] in clam non opus est [illegible] l. [illegible] ff. de verbo. [illegible]

Tertia solutio quae alias aero asserit chirographum debiti acquirunt et c.
1.3. Paulus vir fuit bonus, bonique viri ... nulli posset fraudem mente
... dives ... fuit, qui memoriam ... amplius ... ex
... testamenti videre est ... cum presumptio sit pro viro
nobili ... sicuti et bene ex tex. in l. merito ... l. qualitie ...
... commingendo ... Bal. ...
... Jo. and. ...
... Bal. in l. ...
... testi ... duc. sed cum testator ... in corbore ...
c. ad. l. falc. ... bona fortuna ...
Virg. Aeneid. lib. 8. Seniorum (monuit) Galesus ...
... Ausonius ... dicissimus ...
... omnia relinquebat ... terram ...
necessaria ... D. Paulus voluerit ...
tiam suam; quodque voluerit immemor esset ...
ad. l. iul. repetun. c. sanciunus ... l. 7. ... tuas ...
... sic mentis verisimile ... credibile ...
bonus ... dives senex ... pro vel minori ... Lucretia ...
... pecunias vel quod ... uxori ... eas ...
... fuisse ... est. cum ex additione ...
ibi et eis mox dicetur, sed ex confessione ... Mathea quod ...
post eius obitum ... habuit, in saculo pecunias, quas ...
... bona ... bona memoria ...
... excuti ...
... fuit ... mediante chirographi ... soluti sibi ...
tradi vidisse ... verisimili presumptione, quae resultat ex ...
chirographi incisione ... forma ... eius ...
... dimidium illius fuisse excisum ...
dictum dimidium ... adhuc ... forbice ... fuisse ...
... incisionis ...
dimidium ... vel quia in eo ... solutionis ... vel quia in eo
... solutio ...
3. Pauli, ... D. Bartholomea ...
... tale solutione ...
... onera, ... aliam ...
... Bal. ...
... in 1. ...
... cons. 325. ...
... 278. ... Ris. ... ad Trebell. ... ratione ...
... in Galle. ... quia ... D. Pauli
manus ...
... dicta D. Lucretia approbavit ...
... nec umquam reclamavit sed ... sufficit ...
... est ... onere ...

Et maxime quia D. Paulus ... dicens in suo testamento nemini teneri ... affirmavit ... quod ... dixisset ... uxori ... in hac ... quas habeat uxor ... chirographum ...

... in immemor ... eius ...

... in ... et ...

Sed ... ex. ... omnis ...

[illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Tertio casu dicendum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] chirographi restitutio [illegible] [illegible] ex eo [illegible] [illegible]
[illegible] [illegible] [illegible] D. Bartholomea [illegible] uxorem [illegible] [illegible] [illegible]
D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Lauretia
[illegible] dicta D. [illegible] [illegible] [illegible] [illegible] [illegible] chirographi [illegible]
fuerit [illegible] debitor [illegible] [illegible]. D. Lucretia uxorem D. Pauli solu-
tio [illegible] satisfactio [illegible] [illegible] chirographi [illegible]: qua in re sic videtur
dicendum quod autem debitor pretendit chirographum debiti soluisse an-
[illegible] [illegible] [illegible] chirographum aut non. si non est [illegible] [illegible]

16. debitor [illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible] tenetur [illegible] solutionem, [illegible] [illegible] chirographi [illegible] [illegible] [illegible]
[illegible] C. [illegible] solu. [illegible] [illegible] [illegible] instrumenta [illegible] debent [illegible] [illegible]
solutione [illegible] chirographi restitutione, ideo [illegible] [illegible] [illegible] [illegible]
[illegible] solutionem [illegible] dicta [illegible] [illegible] [illegible] solutione [illegible] [illegible]

17. [illegible] [illegible] [illegible]

conditio ex [illegible], [illegible] est tex. in l. dissoluta. C. de [illegible] ex [illegible] [illegible]
causa [illegible] [illegible] [illegible] [illegible] exhib. [illegible] [illegible] C. de solu. [illegible] [illegible] [illegible]

18. chirographo [illegible] [illegible] [illegible]

[illegible] [illegible] Aut est facta chirographi restitutio [illegible]
debitor [illegible] restitutione tutus est [illegible] nisi creditor [illegible] solutionem
[illegible] factam restitutione aut chirographi sub spe futurae numerationis
[illegible] fuisse. hoc [illegible] tex. in l. [illegible] chirographum. ff. de [illegible] [illegible] in l. [illegible]

19. Creditor [illegible] [illegible] [illegible]

[illegible]. C. de solu. [illegible] [illegible] creditor restituit chirographum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] glo. [illegible] in [illegible]

20. Eodem.

[illegible] [illegible] [illegible]. C. de non num. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] chirographi [illegible] [illegible] [illegible] [illegible] [illegible] tutus
est debitor. tex. est [illegible] in l. [illegible]. ff. de pac. [illegible] in C. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ff. de pact. in l. [illegible] chirographum. ff. de leg. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

21. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] sicut in [illegible] [illegible] chirographi
quia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] restitutione
[illegible] [illegible], [illegible] debiti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] facta est, [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in eo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] chirographi. [illegible] [illegible] in l. [illegible] ff. de [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] quod nullibi [illegible] [illegible] [illegible] [illegible] quod
chirographum [illegible] fuerit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible].
D. Lucretia [illegible] [illegible]. D. Pauli [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in l.
[illegible] [illegible] [illegible]. Concludendum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

22. [illegible] [illegible] [illegible]

[illegible], ut [illegible] tex. in l. [illegible] [illegible] C. [illegible] [illegible] [illegible] [illegible]
glo. et doc. ff. de [illegible] glo. et doc. in l. [illegible] tutor. C. de [illegible] tuto. tradit [illegible].

[illegible]
[illegible]
[illegible] facto [illegible] Arsiburao [illegible]
[illegible] savis dicitur [illegible]
[illegible] Bal. in l. [illegible] C. de [illegible] Lo. in c. scribam. de [illegible]
[illegible] et Affli. decis. [illegible] n. 14. et in civili causa quadis est [illegible]
[illegible] in d. [illegible] n. xi. in q. [illegible]
[illegible] n. 18. col. 18. [illegible]
[illegible] n. [illegible]
[illegible] sufficiente presumptionis, alimodo de causa [illegible]
[illegible] pro magis, in casu isto, in quo nulla [illegible] sunt presumptionis [illegible]
[illegible] prohibitiones [illegible] quod [illegible]
[illegible] sub [illegible] favorabile [illegible]
[illegible] alie presumptiones [illegible]
[illegible]
[illegible] l. si in adibus. l. si [illegible] constitutum. C. de servi. et aqu. [illegible] in c. [illegible]
[illegible] n. [illegible] col. [illegible] 55. [illegible]
[illegible] col. 2. [illegible]
[illegible]
[illegible] contrarium, [illegible]
[illegible]
[illegible]
[illegible] liberationis, aut [illegible] ex alia causa [illegible]
[illegible]
[illegible] in [illegible]
[illegible] excomun. Bar. in c. ad excommunicatis. [illegible]
in. 5. [illegible] Spec. in tit. de [illegible]
[illegible] restitutio [illegible] facta [illegible]
[illegible]
[illegible] causam [illegible]
ubi Bar. C. de alim. [illegible] Bar. in l. cum [illegible]
[illegible] col. 3. in 5. col. [illegible] col. 2. in 2. col. cum [illegible]
in cons. 126. n. 12. [illegible] verisimilis [illegible]
[illegible] solutionis et liberationum. [illegible]
[illegible] causam de [illegible] in nostra. [illegible]
[illegible]
[illegible]
[illegible] individualiter [illegible]
[illegible]

[Marginal notes:]
[illegible]
Pro [illegible]
In dubio [illegible]
[illegible]
28.
[illegible]
31.
[illegible]

+ p. D. Joannino Paulitio Civ. Utini. 25. 56

Si recte video, pignoratio R.di D. Ant.i et Susanis Cannonici Utinens nullo pacto sustineri potest, minusque in tertia dicti 8. martij 1572 quae ad immediata devenitur. constat ibidem. D. Ant.m de Susanis [illegible] ... pro portione D. Joanninum Paulitium tangente, uti hunc pro testamentum acquisiverit (ut asserit) possessione, salvo iure praedicti antecessoris [illegible] ...

[illegible] ... an Susanus sola fundaverit intentionem. Nam si possessione haberet [illegible] ...

Ab executione [illegible] [illegible] ... ad executionem [illegible] ...

Quod possessionem non habuerit Susanus [illegible] ...

possessio capta [illegible] [illegible] ... agrum [illegible] ...

et agri [illegible] Bar. in l. sive possidetis C. et [illegible] franc. marc. [illegible] ...

[illegible] ... annos amittit [illegible] ...

[illegible] ... Tiraquel. et [illegible] ...

[illegible] ... Rot. Bonon. [illegible] ...

[illegible] ... fieri [illegible] commissa [illegible] D. Ant.ii [illegible] ...

primum [illegible] [illegible] ... quae nulla fide [illegible] ...

[illegible] ...

Salyc. in l. in bonae fidei C. et cum [illegible] Cannon. [illegible] ...

in l. nuda ratio ff. et dona. Bal. in rub. C. et [illegible] in l. [illegible] C. et

[illegible] Sacra [illegible] Charitas [illegible]
[illegible] Cic. in [illegible] p. Q. Ros. Comm. Quis hoc [illegible]
[illegible]
[illegible] suum [illegible]
5. [illegible]
[illegible]
[illegible]
6. [illegible] bene [illegible]
[illegible]
[illegible]
7. [illegible] credi [illegible].
[illegible] 281. col. 4. [illegible]
[illegible] col. 2. [illegible]
[illegible] hoc [illegible] 174. col. 3. [illegible]
[illegible] 2. col. [illegible] in [illegible]
[illegible]
[illegible]
ad [illegible] quod [illegible]
[illegible] pernicioso [illegible] habitre [illegible] obstant. [illegible]
[illegible] notarior, [illegible]
ubi [illegible] in possessione, cum [illegible] et [illegible]
[illegible]
possessio fidei [illegible] dicti collegii [illegible]
omnino obscuris coram Excell. [illegible] exhibuit. [illegible] et si [illegible]
[illegible] quod [illegible]
[illegible]
8. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] condi. in [illegible] fidei [illegible]
[illegible] ad [illegible] sicut vel nullam fidei
[illegible] vel [illegible] ubi [illegible] est in pos-
sessione [illegible]
[illegible] quod ab annis x. et ultra [illegible]
[illegible] sublatis [illegible]
[illegible]
et in [illegible] fuisse [illegible]

9\. [illegible] ad [illegible] apprehendere.

10\. [illegible]

apprehensionem ad 2am instantiam Susani et eam in actum 8 mai [illegible]
[illegible]
fuit instantia, ut in actu in primum. Et licet ad veritatem conse-
[illegible] possessorio non extraditur. [illegible] ordinarii iuris
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Paulinum condemnari [illegible]
[illegible]
[illegible]
[illegible]
[illegible] extra-
[illegible]
[illegible] ad solvendum afficitur ab anno [illegible] citra. Et hac
[illegible]
[illegible] non succumbere, cui si [illegible] alio [illegible] voluerint ex-
[illegible] Paulinum [illegible]
[illegible]
[illegible] Paulinum contradictio
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Petri Ant. Brunaldi notarii. 2. B.

[illegible]
[illegible]

[illegible]

8.

[illegible] instr[illegible] [illegible] illi [illegible] [illegible]

.9.

Actiones [illegible] [illegible]

[illegible]

Feuda nō [illegible]

Allodia [illegible]

[illegible] cum nunc [illegible] nero [illegible] peccato.

[illegible] cationi ioci autem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nimium [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] in

[illegible] [illegible] Ronsilium [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] in crimin [illegible] [illegible] [illegible]

[illegible] vox [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

quia si [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Ronchin [illegible] in [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

F[illegible] [illegible] [illegible]. Indemani [illegible]. ab in[illegible] [illegible] est absolut[illegible]
[illegible] ex [illegible] [illegible] ex [illegible], [illegible] alijs [illegible] potissimu[illegible] ex [illegible]
[illegible] [illegible] [illegible] in omnibus criminibus [illegible] et delicto [illegible]

1 De dilecto an omnia de [illegible].

[illegible] [illegible] [illegible] [illegible] lex est, qui [illegible] ad id [illegible] in
[illegible] ff. ad [illegible] [illegible]. [illegible] §. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

2 [illegible] non sufficit in [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible]. col. [illegible] [illegible]
[illegible] [illegible] n°. 2. in 2° vol. Sed in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] omnino [illegible] ab [illegible] [illegible],
[illegible], [illegible] [illegible], quia ex [illegible] testibus [illegible] [illegible]
[illegible] nullus est qui audeat dicere se vidisse [illegible] aliquod aut
[illegible] [illegible] [illegible]. Nulla [illegible], [illegible] [illegible] ~~[illegible]~~ nulla [illegible]
media [illegible] unde [illegible] non [illegible] [illegible], nec de [illegible] potuit.
[illegible] [illegible] [illegible] formatus est ipso iure nullus. Nec obstat dictum
[illegible] [illegible] non [illegible] eo quod in sua causa non [illegible] esse testis [illegible]
[illegible] [illegible] nec quis in sua causa maxime [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] quod [illegible] [illegible]

3 [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible].
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

4 Non sufficit [illegible] [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] respondeo tria tempora consideranda esse [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] delicti [illegible] 3m [illegible] delictum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quia nulla inimicitia [illegible] [illegible] nullaque inimicitiae causa
[illegible] [illegible] inimicitia nullius est [illegible], [illegible] [illegible] [illegible] testium
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

5 [illegible] [illegible] [illegible].

[illegible], quod [illegible] [illegible] [illegible] [illegible] tamen dictum testis necessario [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] corporis ipsius testis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

6 Testis [illegible] [illegible] [illegible] non [illegible].

Hec [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] testis est

7 Testis [illegible] sanguinem inimicitia [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible], ideo non
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] [illegible]
ipsius testis [illegible] est, quia dicit, [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible].

[illegible]

[illegible] pro [illegible] [illegible]

[illegible] accusator [illegible]

[illegible] illa acclamatio [illegible]

[illegible] maior [illegible]

[illegible] nullus [illegible]

[illegible] clamabat [illegible]

[illegible]

[illegible] traditon,
[illegible]
[illegible] natura. Sed si ex his dicta conderavi liter, [illegible]
[illegible] nullatenus [illegible] omnis [illegible] quandoquidem
[illegible] ea die Petrum [illegible] Sed [illegible] sibi dixi-
[illegible] omnem [illegible] actiones aut [illegible]
[illegible] d. 3. [illegible] ait [illegible]
[illegible]
[illegible] dixit [illegible] sub caba[illegible] et [illegible]
[illegible] Iosephi [illegible] ipsum Petrum cognovisse [illegible]
[illegible] Breue [illegible]
[illegible] vidisse Petrum eo mane [illegible]
[illegible] Sed in [illegible] in loco illicito, et postea in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Petrum [illegible]
[illegible]
[illegible]
[illegible] Petrum [illegible]
[illegible] eo mane [illegible]
[illegible] audisse. Sed [illegible]
[illegible]
[illegible]
[illegible] a Petro [illegible]
[illegible] illicita [illegible]
[illegible]
[illegible]
[illegible] luxurie [illegible] dist. [illegible]
[illegible] Aug. sermo. 238. [illegible]
[illegible] 3. et 4. et in 4. sent. dist. 16. q. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] executio [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] minores [illegible] in [illegible] quaestio [illegible]
[illegible] cas. 24. in prin. [illegible] col. [illegible]
[illegible] iudicium [illegible]
[illegible] modus [illegible]
[illegible] habet [illegible] ad [illegible]
[illegible]
[illegible]
[illegible] vlt. [illegible] ad [illegible]
[illegible]
[illegible] audiuit [illegible]
[illegible] huic quidem minimi credendum est [illegible] quia nullus habet [illegible]
[illegible] adducta [illegible] minus illis qui ab eo audiuerunt [illegible]
[illegible] ex [illegible] in prin. [illegible]
[illegible] in [illegible]
[illegible] audiuit [illegible]
[illegible]
[illegible]
[illegible] Item [illegible]
[illegible]
[illegible] tex. [illegible]
[illegible] cas. [illegible] in [illegible] col. [illegible]
[illegible] non probat [illegible] audiuit [illegible]
[illegible] in [illegible]
[illegible] in [illegible] ad [illegible]
[illegible] ad [illegible]
[illegible]
[illegible] in [illegible]
[illegible] Potest [illegible]
[illegible] ex [illegible]
[illegible] animaduertit [illegible]
[illegible] hoc [illegible]
[illegible] alterius [illegible]
[illegible] iudicium, minusque [illegible]
[illegible]
[illegible]
[illegible] non [illegible]
[illegible] tex. [illegible] sequitur [illegible]
[illegible] numero [illegible]
[illegible]
[illegible]

Marginalia (left):

[illegible] aliquid audiuit [illegible]

.17.
testis [illegible] probat.

.18.
Testis [illegible]

[illegible]
[illegible] habuisse [illegible]
[illegible]
[illegible] ad [illegible]
[illegible] ex [illegible]
[illegible] dixit [illegible]

Crimina ... condemnare ...

[illegible] ... in genus ... [illegible]

... interrogationem ... [illegible]

... iudicatum ... [illegible]

... ex presumptionibus iudicare ... [illegible] ... n°. 158 ...

... [illegible] ...

... condemnavit ... [illegible]

In nullis ... in causis civilibus ... probationem ... testes ... [illegible]

... [illegible] ... decimus ... [illegible]

... [illegible] ...

... [illegible] ... Calvin. de

2. n°. 27. cui quinquaginta ... vol. ... crim. ... [illegible]

... [illegible] ... presumptiones ... [illegible]

costeo. lect. 2a n°. 137. ... quoniam ... n°. 124 ... [illegible]

... [illegible] ...

... omnia ... oculis eius. unde David psal. 18. Delicta ...

... ab occultis meis munda me, ... psal. 68. deus tu, ...

... mea, ... delicta mea a te non sunt abscondita. Non est itaque

iudicandum ex presumptionibus ... hoc casu, in quo nulla est presumptio

... duobus testibus ... requiritur, si

... suspitiones ... omnes dubia, ... [illegible]

... [illegible] ...

temerariae suspitiones dici ... presumptiones, quia illa dicitur

temeraria presumptio ... a talibus, ...

... [illegible] ...

l. humilis. C. de incest. nupt. l. si chirographum. ... [illegible]

... [illegible] ...

... [illegible] ...

... [illegible] ...

... testes omnes ad ... [illegible]

... [illegible] ...

Margin notes:

... [illegible] ...

In criminalibus iudicare ex presumptionibus ... [illegible]

... [illegible] ...

... testes ... [illegible]

... [illegible] ... psalm. ... adulterio ... [illegible]

... [illegible] ...

Indicia ... [illegible]

... [illegible] ...

... maioribus ... [illegible]

1.

[illegible] suspitiones illas quae videtur [illegible] ad tortura[m] [illegible] sufficientia [illegible]

[illegible] Bal[dus] [illegible] quidem [illegible]

[illegible]

[illegible] maxime [illegible]

[illegible]

[illegible] ad videre [illegible]

[illegible]

hoc [illegible] in casu nostro, in quo accusator [illegible]

[illegible] sequi condemnatio [illegible]

[illegible] Accusator [illegible]

[illegible]

[illegible] Ab [illegible] [illegible] et indices [illegible]

[illegible] 12

[illegible] facie dicendum videtur. [illegible] Bozzetti [illegible] [illegible]

[illegible] Consilii [illegible].

[illegible] quid [illegible] mulier non videtur [illegible] [illegible] [illegible] mulier locacionem quandam [illegible]

[illegible]

[illegible]

[illegible] anno [illegible] [illegible]

[illegible]

[illegible]

[illegible] mulier [illegible]

[illegible] locavit [illegible] sub nomine [illegible]

[illegible] quod [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] mulier [illegible]

[illegible] locabilis [illegible] mulier [illegible]

[illegible]

[illegible] mulieris [illegible]

[illegible]

[illegible] predicta locabilis fuit [illegible] 6. vel [illegible]

[illegible] quod [illegible]

4. [illegible] annue [illegible]

[illegible] 1500 [illegible]

[illegible]

[illegible] locabile [illegible]

[illegible] mulieri [illegible]

Griffo, [illegible] ex [illegible] dicta

Braida, [illegible] locabionis factum [illegible] Griffo [illegible] quia

3 [illegible]

[illegible] ... allicuit, quā nō est [illegible]

[illegible]

4 [illegible]

[illegible] quia maiori [illegible]

maximi sui cū maiori [illegible]

5 [illegible]

[illegible] dimidio [illegible] plus [illegible]

[illegible] habeat [illegible]

6 [illegible]

[illegible] anno 1568 [illegible]

[illegible]

[illegible] ... quaecumque ... [illegible]

[illegible]

... commodi ... [illegible] ... 2°

8\.
Verum [illegible]
Textus [illegible]

... [illegible] ... excommunicatur ... damnum ... [illegible]

... [illegible] ... optime fundatur ... [illegible]

... [illegible]

9\.
Verum ... [illegible]

2° ... doctrina ... [illegible] ... n° 12.

... [illegible] ... concludit ... [illegible]

... [illegible] ... in verbo ... § 22.

... [illegible] ... possit ... [illegible]

... [illegible] § 44.

10\.
... [illegible]

... in extraneam ... [illegible]

... [illegible] ... mulier ... [illegible]

... [illegible] ... quia ... [illegible]

... [illegible] ... dare nihil ... [illegible]

... [illegible]

... [illegible]

... [illegible] ... supra ... [illegible]

... [illegible] ... mulierum ... [illegible]

... [illegible]

... [illegible]

... [illegible] ... index ... [illegible]

... [illegible] ... dictum

... [illegible]

... [illegible] ... mulieri ... [illegible]

... [illegible] ... dimidium ... [illegible]

... [illegible] ... mulier ... [illegible]

... [illegible] ... minus ... plus ... [illegible]

... [illegible] ... mulier ... [illegible]

... [illegible]

... [illegible]

... [illegible]

... [illegible]

[illegible] omni [illegible] indicandum [illegible]
[illegible] [illegible] dictorum duc. 20 [illegible]
[illegible] [illegible]
[illegible] quod [illegible] fuit [illegible]
[illegible] [illegible] [illegible]

Tertium [illegible] causa omittatur, [illegible]
[illegible] [illegible] licet [illegible]
locationem [illegible] [illegible]
[illegible] mulier [illegible] [illegible]
[illegible] maxime [illegible] ipsa [illegible] suam
[illegible] [illegible]
[illegible] locatione [illegible] mulieris causa [illegible]
[illegible] quia [illegible] [illegible]
[illegible] ad minus [illegible]
[illegible] [illegible] dimidio [illegible]
[illegible] locatio [illegible]
[illegible] duc. 20 [illegible]
[illegible] modestiam [illegible]

[illegible]

Marginalia: [illegible]

Prima facie videretur dicendum D. Julia uxore q. Franc. [illegible]

[illegible]

absolutior l. qui accusare C. de eden. cu similib.

[illegible] exclusa [illegible]

[illegible]

.1. [illegible] [illegible] exclusa [illegible] successione est et exclusa [illegible]

.2. Ad [illegible] testamentum. [illegible]

.3. De [illegible] [illegible]

[illegible]

cõs. 97. col. 3. Alex. cõs. 7. n°. 2. in. 2°. vol. Castrc. Decis. 106. n°. 4. et Alba cõs. 23. n°. 2. cu alijs multis. Sicut ergo legitimã [illegible] non pot. ita nec et dotem cõgruã petere posse dicendu videtur,

5. [illegible] Quia [illegible] succedit ut in
[illegible] consil. Bal. in [illegible] 121 n. [illegible] vol. 4 [illegible] subrogatum [illegible] natura [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] absque ulla [illegible] legitima, ut
[illegible] nu. 153
[illegible]

6. [illegible] nu. 149 [illegible] nu. 133 exclusa [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

8. [illegible] doti posse esse legitima[illegible]
[illegible]
[illegible] cons. 22 vol. [illegible]
[illegible] cons. 501 n. 4 [illegible] multorum [illegible] auctoritates [illegible] n. 15 [illegible]
[illegible]
[illegible]
[illegible]

4. [illegible]
[illegible]

9. [illegible]
[illegible] actionem [illegible] sustineri [illegible]
[illegible]

[illegible]
[illegible] lim. [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] tamen [illegible] [illegible] in cons. [illegible]
[illegible] videtur diversa opinio in casu [illegible] causam
[illegible] ita tenendum [illegible]

11. [illegible] nam [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

filia excluditur a transversalibus et gradu remotioribus: unde [illegible]

ordini naturae [illegible] nam [illegible] parentibus. ff. de inoffi. testa. [illegible]

[illegible]

[illegible] cum acutissimi [illegible]

et fideico. cum concor. [illegible] doc. tale statutum odiosum et irrationale [illegible]

[illegible]

[illegible] cum aliis [illegible] Tiraqu. et succes. resolu. lib. 2. § 13. ardua [illegible] n. 7. et [illegible] tale statutum odiosum

[illegible]

Statutum excludens feminas propter mares [illegible]

[illegible] causa [illegible] tex. in auth. in successione [illegible] quod nullam in successione differentiam inter

Mares et feminas nulla [illegible]

[illegible] nulla sexus ratione habita

[illegible]

et immediatius de quo Joh. [illegible] 42. ubi haec sunt verba [illegible]

[illegible]

[illegible]

quod [illegible] lege [illegible] antiquum [illegible]

[illegible]

libro [illegible] 15. antiquitas lexe quibus [illegible]

[illegible]

[illegible] voluntatis.

Inde [illegible] falcidia [illegible] ne ultra dodrantem [illegible]

[illegible] multa [illegible] mulieribus relinquerentur. [illegible]

[illegible]

[illegible] heredem facere [illegible] sed illi quadrantem tantum relinquendi

[illegible]

[illegible] maxime [illegible]

[illegible] minus irrationabilia dicen. statuta feminas excludentia [illegible]

[illegible]

[illegible] mos ille antiquus [illegible]

[illegible] filias [illegible] heredes [illegible] a maribus cognomina

[illegible] appr[illegible] [illegible]

[illegible] odiosa, [illegible] consequens [illegible]

[illegible]

[illegible] si [illegible] verba [illegible] ut decidit [illegible] in cons. 5. n° 5. cons. 31. n° 8

[illegible] cons. 117. n° [illegible]

[illegible] in [illegible] 44. [illegible] si quis in [illegible]

[illegible]

[illegible] doctori [illegible] facultatibus [illegible] honores, dictione [illegible]

tudine, ut [illegible] in dictis [illegible] fil. [illegible] alii [illegible] secundum [illegible] tex. [illegible]

[illegible]

[illegible]

[illegible] quod [illegible]

habet multo magis [illegible] doctori [illegible] transversa

[illegible]

[illegible]

[illegible] tex. in aut. [illegible] mulier [illegible] eccle. [illegible]

[illegible]

[illegible] saltem ad legitimam ascendit [illegible] tex. in aut. [illegible]

[illegible] in [illegible] tradito in [illegible] nisi [illegible] Calor. cons. [illegible]

2. cons. 105. [illegible] cons. 189. n° 19. Corn. [illegible] 77. n° 2. [illegible] cons. 202. n° 10. in

[illegible] col. 12. [illegible] cons. 2. [illegible] col. 14. [illegible]

vol. [illegible] cons. 288. col. 7. [illegible] vol. 2° [illegible] cons. 150. [illegible] col. 7. [illegible]

[illegible] tertio in [illegible] vol. [illegible] Alex. cons. 100. n° 1. [illegible]

220. n° 2. [illegible] numera [illegible]

109. [illegible] Vel si [illegible] non sufficiat [illegible]

[illegible]

[illegible] non [illegible] legitimam [illegible]

100. [illegible] 27. [illegible]

38. [illegible] cons. 70. [illegible]

[illegible] Dec. cons. 190. Corn. cons. 102. n° 4. vol. 2. [illegible] cons. 40. n° 17. [illegible]

[illegible]

[illegible]

[illegible] loci ita [illegible] Calle. [illegible] Rub. 132. [illegible]

[illegible]

Bar. [illegible] n° 2. [illegible]

91. n° 1. in [illegible] vol. [illegible] 107. n° 17. [illegible] cons. 20. n° [illegible] in 2° vol. [illegible]

48. n° 28. [illegible] vol. [illegible] hinc [illegible] multis placuit [illegible]

Marginalia (left margin):

[illegible] 202. n° 2° [illegible]

[illegible]

[illegible] Dec. cons. 20. n° 4. [illegible]

[illegible] edarna intervallum fuit Bar[illegible] filie [illegible]

[illegible] prim. Corn. [illegible] cos. 48. n°. 28. [illegible] alij quos citat alba [illegible] cos. 23. n°. 4 [illegible] cos. 230. n°. 3 [illegible] nō tamen minui index [illegible]

[illegible]

Patris filij [illegible] 23.

[illegible] minor [illegible]

[illegible]

5°. [illegible] Julii [illegible] viro digno [illegible]

[illegible]

[illegible] in cos. 57 n°. 11 [illegible]

[illegible] est [illegible] annis. 30. [illegible]

[illegible]

7°. [illegible] consuetudine [illegible]

Margin notes:

[illegible] filiis [illegible] legitima

R[illegible] cos. 46. [illegible] cos. 80 [illegible]

[illegible] Socin. cos. 288. [illegible]

De filio nō minor [illegible] legitima

[illegible] Deci. [illegible]

[illegible] 25.

[illegible] 27.

[illegible] 28.

[illegible] 29.

Lanis. dicto cōs. 56. n°. 88. et cōs. 83. n°. 3. in. 3°. uol. Ruin. d. cōs. 56. n°. 18. [illegible] . 61. n°. 61. [illegible]
[illegible] Iuliae [illegible] maxima [illegible] alio dom
. 70. [illegible] Ionis [illegible]
Germanorum [illegible] extitisse mos, ut uiri uxoribus dotem darent [illegible]
[illegible] dotes uxoribus [illegible] alicui nulla
[illegible] uero dimitta
[illegible]
[illegible] ut p
[illegible]
[illegible]
[illegible] ubi sit [illegible]
[illegible] Lacedemonios dotis nullam [illegible]
[illegible] Massiliensium [illegible]
[illegible] apud [illegible] exce
[illegible] necessariis
castris fauere debet, hec. n. dos mulierum a uiro despici. l. fi. [illegible]
[illegible]
. 8. [illegible] . 10. [illegible] dotes [illegible] modo [illegible] et [illegible]
[illegible] conditionem dari, sed [illegible]
[illegible] auaritia, ut quasi mulieris uiros magno [illegible]
[illegible]
[illegible] ad [illegible]
. d. Iulia [illegible]

Romanorum, [illegible] diuortium, quod [illegible] dotis nulla actio fuit [illegible] aul. Gel. [illegible] lib. 4. cap. 3.

. 8°. [illegible] dotis [illegible] fuit [illegible]
[illegible] in tot [illegible]
[illegible] Iulia [illegible]
[illegible]
[illegible]
in uero natura [illegible] ex [illegible] dolis [illegible]
[illegible]
[illegible]
[illegible] ad [illegible]
[illegible] aliud [illegible] quod [illegible]
[illegible]
[illegible] dotis [illegible] et quae sit ista [illegible]
[illegible]
[illegible]
[illegible] ex [illegible] ad maiorem [illegible]

.31. Abundans cautela ad vocem. [illegible] ... ex eius examinare ... an fuerit valor [matri]monij probatus, saltim talis quod sufficiat ad victo: ... [illegible] ...

.32. Doct. dominus dicto poter. quod dos congrua fuerit data Limit. qui dotis dicit congrua tractatur hoc genere ut firmat Corn. ... Galli. 202. n.° 10. in 2.° vol. ... [illegible]

.33. Negativa fortior ad probandum quam affirmativa ad affirmandum. [illegible]

[illegible] ... in matrimonium ... [illegible]

... dicit ... 800 ... [illegible] ... matrimonium ... esse maiorem dote 600 ... et tamen ... [illegible]

... [illegible] ...

.34. ... testes affirmativi ... magis probant quam qui negativi ... testibus ... affirmativis et valore ... in matrimonio ... [illegible]

... [illegible] ...

... domus sue ... esse in eo ... maxime quia ... [illegible]

.36. ... [illegible] ...

.37. Duo testes sufficiunt. ... in ... duos ... [illegible]

.38. testes deponentes in esse probant ... [illegible]

pecuniarum commune ... valoris. cons. 82. ... alios et unus alius conveniunt ... et quando ... 2° ... accusa ... c. 64. col. 3 ... vol. ... [illegible]

[illegible] ... due. 800 ... [illegible]

intrupt duo fratres ... et ... dicti erat ad minus duc. 300 ... .20.

existimaveris ... Et ... alterius ... filie ... duc. 100. ad minus ... in ... pupilli annis ... [illegible]

[illegible]

Corn. in cos. 107. in 2° vol. et cum Julio. 60. ... ducatorum valor ... in ... mobilibus ... ut ... dotaticum ... Et ... [illegible]

[illegible]

cum multa ... ut si ... omnia estimantur ... predictum duc. 600. excedere ... [illegible]

[illegible]

Et femina ... honorem ... in domo ... [illegible]

[illegible] ... augmentur, et ... nutriantur, et pacifiunt ... [illegible]

.41.

Augustinus ... ad ... [illegible]

[illegible] ... dignitatem licet in publicum ... tradita ... minor ... [illegible] ... plus ... dotem ... annis ... dotem ... dotem ... [illegible]

... cum duc. 120. ... [illegible] ... ex ... [illegible]

... aucturos ... tam, seu ... Augustinus ... [illegible] ... quibus ... dicta ... hoc ... [illegible]

considerandum est, quod vel nulla fuerunt vel si fuerunt, subiacent sic [illegible] tibus specificationibus et ille fuerit: et ita dubio procul [illegible] est in n. [illegible]

[illegible]

[illegible] § [illegible] ff. [illegible] et verisimile est, ac ita [illegible]

[illegible] Bellum. [illegible] col. 18. [illegible] Crau. in cons. 134. n°. 3.

[illegible] in hac causa considerandum est quod [illegible] decreta a [illegible]

[illegible] quod bonum voluerit, [illegible]

[illegible]

[illegible] sive dotata a patre [illegible] quo nulla est [illegible], [illegible]

[illegible]

[illegible]

[illegible] dos [illegible]

legitimae, quia imo cum dos succedat loco legitimae [illegible] l. [illegible] novella [illegible]

[illegible] dos minor esse legitima eo quod [illegible]

[illegible]

[illegible]

[illegible] dote loco [illegible]

dos in legitima [illegible] et [illegible] sunt diversa eo quod multa in le[illegible]

[illegible] legitima [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

argumentum concludat, quia imo si idem esset dos et legitima, altera in

[illegible]

[illegible]

[illegible] quod [illegible] ff. [illegible]. Nec valet dicere multa in legiti-

ma [illegible] subrogatum [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

supplementi, ergo lex concedens dotis minoris legitima esse [illegible]

intelligitur quia imo si lex concedit supplementum [illegible] dotis [illegible], et

Marginal notes:

[illegible] Specificationis

.45. Item in extraneo.

.46. An dos subrogetur loco legitimae

.47. De [illegible]

.48.

.49.

[illegible] concedit supplementum, quia non vult esse minorem [illegible] concurrenti [illegible]

[illegible]

[illegible] in casu [illegible] [illegible]

[illegible] officiosi in casu [illegible], imputatio vero seu [illegible]

[illegible] dotis loco legitime in casu [illegible] sit in casu [illegible]

[illegible] filia a statuto excluditur [illegible] masculos, unde diversi sunt term[illegible]

[illegible]

[illegible] lege [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] consil.

[illegible] cum multis aliis [illegible] in [illegible] [illegible]

[illegible] successit [illegible] dona. [illegible]

[illegible] adduci [illegible] in [illegible]

[illegible] 55. n°. 5.

[illegible]

[illegible] ad dotis obligationem, ex quo [illegible] dotem [illegible]

[illegible]

[illegible] hoc [illegible]

[illegible] col. 7. [illegible] hoc [illegible]

[illegible] sit legitima, sed quia [illegible] in omni casu [illegible]

[illegible]

[illegible] [illegible] quia [illegible]

[illegible] multoties sit [illegible] ad quam [illegible]

[illegible]

legitime non sufficiat ad [illegible]

[illegible] si ratio hoc [illegible] vel [illegible]

[illegible] quotiquatum, aut [illegible] loci consuetudinem [illegible]

[illegible] maiorem [illegible] minorem aut [illegible]

[illegible]

[illegible] in [illegible] [illegible] [illegible]

[illegible] dotis minorem [illegible] [illegible]

[illegible] dignitate aliquid plus [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] conclusione [illegible]

[illegible] [illegible]

quod et dignitas [illegible]

[illegible] ultra legitimam, ita [illegible] [illegible]

57.

Reg. quod ... declaratio.

[illegible]

... Sed tamen huic argumento plene satis facit ... quidquid legem doti ... ad ... m. l. ... tex. ... maioritatis aut ... quamobrem ... doti, velis contra testatoris ... posse ultra legitimam ... citra legitimam minui posse ... legitima ... indirecte si minui posset ... l. quoniam in prioribus ... quod ... minui ... augmentandi ... [illegible]

diversa sit ratio.

58.

Dos alimentis ... sponsae.

... alimentorum ... l. ... omnibus C. ... [illegible]

fulg. cons. 8. col. ... Alex. cons. 7. n. 16. ... cons. 88. n. 2. ... soci. cons. 25. col. 7. ... cons. 207. col. 1. n. 2. [illegible]

59.

... alimentorum ... [illegible]

60.

Denegant alim. ...

1236. ... sicut ... alimenta ... vita hominis consistit ... [illegible]

alimentorum est ... ipsa vita minuatur.

Ex his, quae ... Julia in medium allata sunt contraria facillime submoventur ... tametsi virtualiter ... sublata, eis tamen ... [illegible]

Non obstat ... [illegible]

Et si ... adhuc ... quia ut ... dotandi ... [illegible]

... facile admittitur illa exclusio quod exclusus ... a successione ... [illegible]

... l. ij. col. pr. C. ... l. sancimus in fi. C. ... novissima. col. 6. C. ... Alex. cons. 7. col. 2. n. 2. ... cons. 88. col. 3. n. 6. ... Soci. cons. 30. col. 3. ... cons. 124. col. 4. n. 2.

[illegible] Bald. [illegible] col. [illegible] Jason [illegible]
novissima col. pe. [illegible] sanguinis [illegible]
et iur. primog. [illegible] n° 8. [illegible]
[illegible] statutum tolli possit, [illegible] quaestio [illegible]

[illegible]

cat [illegible] novissima col. [illegible] quoniam in [illegible]

[illegible] l. ad trebel. Alex. [illegible] communiter [illegible]
[illegible] quoniam in [illegible] testator non potest [illegible]

[illegible] cons. 29. [illegible]

[illegible] plura [illegible]

§ [illegible]

[illegible]

novissima [illegible] omnes [illegible] quoniam in [illegible]

dos in una [illegible]
[illegible]
[illegible] cons. 20. tradi possit [illegible]

[illegible] exclusa [illegible] a dotis [illegible] filiae [illegible]

actum statutum tolli possit

[illegible] alia [illegible]

73. [illegible] Cornel. [illegible] in 2º vol. [illegible] cons. [illegible] col. 6 [illegible] col. 2º

[illegible] vel salvo [illegible] quia [illegible] ex eius [illegible] [illegible]

75. [illegible]

[illegible] Bald. [illegible] col. 2º [illegible]

[illegible] in alio modo [illegible]

7. [illegible] cum mulier [illegible] relicto [illegible] bona [illegible]

76. [illegible] [illegible] enumeratio [illegible] col. 2 [illegible] Quod autem [illegible]

77. [illegible] [illegible] col. 3º col. 4º [illegible] in casu [illegible] quod filia [illegible]

[illegible] intelligitur de modo non lorum dictor [illegible]
extrema; [illegible]

[illegible] prout [illegible] quaestioni [illegible]

Grat.[illegible] melius fit [illegible] dote [illegible] minor leg.[illegible] intelligatur — [illegible] dispositionis [illegible] minima [illegible] [illegible]

80 — [illegible] col. 181. n.º 1. 2. 3. in p.º col. [illegible] quod [illegible] mulier sit [illegible] [illegible] intelligitur quo ad hoc ne [illegible]

[illegible] ad exclusionem [illegible]

[illegible] ita quod [illegible]

[illegible] unde non obstat [illegible]

[illegible] intelligitur [illegible]

[illegible] cons. 37. n.º 1. col. 3.º [illegible] cons. 323. n.º 2. [illegible] col. cons. 125. n.º 1. [illegible] cons. 48. n.º 6. in 2.º col. [illegible]

82 — [illegible] supplementum [illegible] Augustini [illegible]

[illegible] cons. 171. n.º 2. col. 4. [illegible] cons. 74. n.º 11. [illegible] dotatam [illegible] exclusionem [illegible] — [illegible] bonis [illegible] dotarie [illegible] [illegible] collateralium bonorum [illegible]

[illegible] extitiam [illegible]

[illegible]

cons. 142. n.º 6. maxime [illegible] mulieri [illegible]

[illegible]

[illegible] 552. et in [illegible] col. 3. [illegible]

[illegible] in casu nostro [illegible]

[illegible] legibus [illegible] col. 4. [illegible]

88 — [illegible]

[illegible] quod maxime in casu [illegible] et si facta [illegible] dote [illegible]

[illegible] non [illegible]

[illegible]

Ant. But. in c. 24. col. 3. [illegible]

89\. [illegible] [illegible]

[illegible]

ne agat, et cognoscat [illegible] L. D.

Flaminius de Rubeis utriusque iuris doctor

minimus

[illegible]

.1. Scriptura primam in antiquis [illegible] — [illegible] ad [illegible] [illegible]

[illegible]

.2. [illegible] textu — [illegible] antiquo tempore [illegible] ex [illegible] [illegible]

.3. [illegible] — [illegible]

.4. [illegible]

[illegible]

[illegible] ... sitra. [illegible]

io. respondeo, quod ab initio stipulatio fuit unica [illegible]

ad [illegible] locationi et successioni [illegible] [illegible]

[illegible] carb. oblig. [illegible] est tex. quod divisio [illegible]

[illegible] conditionem [illegible] conditi [illegible]

[illegible] res libet et cohaeredibus. [illegible] quod [illegible]

[illegible] quod duorum [illegible]

[illegible] [illegible] eligere [illegible]

[illegible] [illegible]

[illegible] [illegible]

[illegible] solvit [illegible]

[illegible] solvit [illegible] [illegible]

[illegible] est tex. in terminis [illegible]

[illegible] locavit [illegible]

[illegible]

... in dicto termino [illegible] ... si aliquis ... fuisset locatio ... non excidentur ... [illegible] ... alia ... distributio ... quae ... non ... [illegible] ... [illegible]

... [illegible] ... excessisse adhuc nullum ... [illegible] ... [illegible] ...

... [illegible] ... quod si auditor ... [illegible] ... sed si ... [illegible] ... sibi [illegible]

... quod ... [illegible] ... unquam ... [illegible] ... [illegible] ... solutis ... [illegible] ... id quod satis ... [illegible]

[illegible]

... [illegible] ... habet ... [illegible] ... in loco ... [illegible] ... in his terminis ... [illegible]

... nisi ... [illegible] ... quod si non ... [illegible] ... quod si ... [illegible]

2.

[illegible]

[illegible] nerre [illegible] [illegible] [illegible]
[illegible] si dixero, quod [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible], et longo [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] remanent [illegible] satis [illegible] [illegible]
[illegible] huiusmodi [illegible] absurdum [illegible] in solidum
[illegible] [illegible] [illegible] [illegible] [illegible], [illegible]

23. Locationum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] illud [illegible] [illegible] [illegible]
[illegible] ac in [illegible] [illegible]
[illegible] [illegible] [illegible] loca. et [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

.24. De habitationibus [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

.25. [illegible] [illegible] [illegible] aliis [illegible] [illegible], [illegible] ut supra
[illegible] sequitur executionem [illegible] [illegible] [illegible]
in ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] cum [illegible] seu legitimo [illegible] [illegible]
[illegible] in [illegible] [illegible] loca. .L. B.

Flaminius [illegible] Rubeus [illegible]
[illegible] minimus

[illegible] est sine fructu [illegible] urbis [illegible]

[illegible] gerit, unus exigit, consumere [illegible]

[illegible] tuti hec [illegible]

in presenti casu. D. Dania facto et [illegible] habente [illegible]

ad [illegible]

his alimentis [illegible]

tione, rationis, cuius [illegible]ificationis [illegible], [illegible]

[illegible]

Januarii [illegible] testamenti. 8. primaii [illegible] ibi registratis in [illegible]

[illegible]

petere non [illegible]. Quia in re, ut [illegible] arbitri sunt [illegible]

[illegible] tamen in medium afferre duxi. Considero [illegible] esse [illegible]

[illegible] omnibus [illegible], quod [illegible] maximi

[illegible] usufructuarium, liberis [illegible] in [illegible] ut hoc casu

[illegible] consuetudinem introductam in curia Bulasini [illegible]

[illegible] alii doc. [illegible]

[illegible] n. 2. [illegible] salic. [illegible]

[illegible] cons. 78. in 2. dubio. [illegible] in secundo. in 2. [illegible]

[illegible] in dic. [illegible]

fil. sunt [illegible] in hoc titulo. in [illegible]

[illegible]

n°. 2. in 3.° vol. Alex. cons. 74. n°. 5. in 7. [illegible]

hoc videtur dicendum. in [illegible] vol. [illegible] cons. 187. n°. 1. [illegible] vol. [illegible]

[illegible] cons. 4. n°. 1. [illegible] cons. [illegible] n°. 11. [illegible] cons. 154. [illegible]

ribus in locis. [illegible] cons. 88. n°. 8. [illegible] 98. n. 1. [illegible]

[illegible] inutiliter [illegible]

[illegible] videtur [illegible] hac [illegible]

Conclusio est, quod quilibet [illegible] vel aliena [illegible]

tionem reddere tenetur administrationis sua [illegible]

[illegible] in [illegible]. Reddat rationem administrationis [illegible] cap. 10. [illegible]

[illegible] qualiter et quando. [illegible] 2.° et causa. [illegible]

[illegible]

... de pactis ... [illegible]

... sent. pass. et restitu. et sic ... promiserat. d. l. ... calculator ... ratio ... calculus ... cod. 141. post. ... si ... ratiocinii ... redditio ratiocinii ... ut ... quaestio ... ff. de manumiss. testa. l. si furti ... liber. l. si statuliberi. §. si quis ... ff. de statuli. ... l. ... ff. de verbo. signi. ... l. si quis ... ff. de ... c. ... in ...

... communi sit quod ... numeratione, sed confessionem ... receptionem ... tertio ... num. ... c. de ... ut ibi in tex.

[illegible]

Conclusio sit, quod licet confessio ... donationis ... Rom. in sing. 599. ... l. ...

[illegible]

Si sola confessio vel ... maxime ... l. ... ff. de ... ux. ... dote ... cod. 8. ... col. 3. ... corn. ... clar. sent. ... lib. 4. §. donatio. ... sed hoc ...

... ... summa excedat ... non sit insinuata ... hoc ... donationis ... c. de ... donation. ... cod. 66. ... col. 2. ... cod. 80. col. 6. ...

3a. Conclusio sit, quod ... dotis ... l. ... ff. sol. ma. ... hoc ... l. in ...

Margin notes:

... numero ...

... dos ... numerata ...

... l. si fructus ...

... donatio ... dotis ...

-10-

Dotis ...

[illegible] dotis fructus. et in l. si constante. ff. co. in l. nemo. ff. de usur. c. salvianus [illegible] ... Rol. [illegible] lucr. [illegible] par. [illegible] n°. 45. quibus in locis constat doct. dari mulieri interusurium dotis non dato [illegible] lucri cessantis, et damni emergentis ob alimenta [illegible] [illegible] mulieris [illegible] [illegible]

ulti. in fi. ff. de [illegible] l. si [illegible]

xi. l. de [illegible] fricat ho. [illegible]

[illegible]

[illegible] ... in [illegible]

um uenor est, et magis sequenda [illegible]

Secundi termini [illegible] communis, quia [illegible] ut est usurarum materia. magis adhaerendum, est [illegible] uni contrahentium [illegible] communis, quam uni communi [illegible] [illegible]

[illegible] conclusio sit, quod si pecunia [illegible] mulieris in [illegible] aestimatorum, et usu mulieris periculo mariti [illegible] [illegible] aestimata sunt. haec conclusio probatur in l. aestimata [illegible] ma. ubi doc.

[illegible] sit conclusio, quod si quid in re dotali sit [illegible] impensa dat [illegible], et si [illegible] fuit dos reddita, [illegible] [illegible] [illegible] in l. [illegible] et in l. maritus [illegible]

[illegible] in rer. [illegible]

[illegible]

[illegible] l. si cum [illegible] in prin. [illegible]

l. [illegible] contra [illegible] §. si. co. [illegible]

eius aduersario [illegible] in [illegible]

[illegible] conclusio sit quod [illegible] [illegible] indistincte admittatur [illegible] in [illegible] [illegible] [illegible]

[illegible] in [illegible]

[illegible] §. et ipsa. [illegible] notorie [illegible] [illegible] dicuntur, cum ex quibus nullus effectus [illegible]

[illegible]

[illegible] alt.[a] sit conclusio, quod [illegible] arbitri [illegible] in [illegible] bus. D. Pauli Malvitij et [illegible] [illegible]

[illegible] §. idem [illegible] ff. de adult. l. si [illegible] Rip. [illegible] post n°. 8. [illegible] longe [illegible] multa [illegible]

[illegible] ista post [illegible]

[illegible] dotem [illegible]

[illegible] bona [illegible]

[illegible] cum in argentum [illegible]

[illegible] donacionis [illegible] dicitur [illegible]

[illegible] nulla [illegible]

[illegible] ex [illegible]

[illegible] a prohibitione publice [illegible] mulieris submouenda [illegible] maxime, quia [illegible] uel ab [illegible] calamitas, et amouit; [illegible] nisi [illegible] [illegible] nisi [illegible] [illegible]

[illegible]

[illegible] pronas [illegible] ex col [illegible]

[illegible]

[illegible] coon. cum simul et omnia omne similis [illegible]

[illegible] Tcmo [illegible]

[illegible]

17.
Volëti nō sip in iūria nō; dolus.

inis; Laborina

18.
Teste Ironeu Aber. Alithia, ac
ep̄i Ifanter, ꝯ dubitatiue
inī ē ratem.

uenti Leortu vidēe

aicen in

e, ne aitiān,

partie of bonin atere, e god t

pan

Spinon
uini tit

pa Herm

nō Kelusian
nō Simon

stidium et q̄ hatecnibus
phanit iuins mitti

veritatem magis credat [illegible] et pontifices [illegible] [illegible] ponit ma[illegible]

[illegible] in [illegible] 66. 6. n. 60. [illegible]

[illegible] comm. et succes. corn. [illegible]

[illegible] Simonis affirmativi. Brissini [illegible]

pontati ut supra [illegible]

[illegible] forme [illegible] carmen [illegible]

[illegible] col. Alex. cons. 27. col. fi. [illegible] 2. col. et alij multi [illegible]

[illegible] Simonis verosimiliora [illegible]

[illegible] incendij pacuit. [illegible]

[illegible] quibus sunt [illegible]

[illegible] tenuit Castr. in [illegible] 2. in fi. [illegible] 2. col. [illegible]

[illegible] Simonis [illegible] testium [illegible] extare [illegible]

[illegible] probationes Simo[illegible]

[illegible] 10. et [illegible] Caracci[illegible]

Brissini sororum fornacerium [illegible] in arte [illegible]

[illegible] Briscianus [illegible]

[illegible] affuisse numerationi laborerior. [illegible]

negasse [illegible] confecta fornace [illegible]

[illegible] testis fol. 20. [illegible]

et [illegible] Bonus [illegible]

[illegible] fo. 8. [illegible]

[illegible] in loco humido reponi laboreria [illegible]

[illegible] sicuti [illegible] in 3. 4. 5. 6. et 7. [illegible] prioris [illegible]

[illegible] fol. 14. [illegible]

[illegible] testis fol. 27. [illegible] fol. [illegible]

In posteriori [illegible] modula [illegible]

[illegible] fol. 25. [illegible] fol. 30. [illegible] et hoc [illegible] fol. 24 [illegible]

Margin notes:

[illegible] causa [illegible] testimo[illegible]

[illegible] idque [illegible]

[illegible] fieri viderunt

[illegible] Cast. in [illegible]

col. [illegible] Alex. in [illegible]

[illegible]

nec dicas [illegible]

[illegible]

Testibus [illegible] magistral. 23.

Testes verisimiliora deponentes [illegible] 24.

Testes [illegible] 25.

miniatos. 2° Capitanita Hermachora Brissini [illegible] peritissimi artis [illegible] hoc [illegible]
[illegible] fol. [illegible] sub 6°
fol. 32. [illegible] ut supra [illegible]
[illegible] Brissini corrupta [illegible] a pluribus [illegible]
[illegible] ab equo. Et hoc [illegible] fo. 24. t°. 2° fol. 26.
[illegible] fol. 32. t°. Demum Capitanita Simon Brissian [illegible]
precio dicta laboreria [illegible]
si voluisset iusto [illegible] excessivo precio illa [illegible]
[illegible] 12 [illegible]
[illegible] sicuti a his [illegible] 2°
26 [illegible] fol. 31 t°. sub 6° et 7° capitulo. Quibus ex [illegible] di-
citur Simone [illegible] pluribus, et magis [illegible] testi [illegible]
[illegible] mittionem [illegible]
[illegible] bonitate laboreriis [illegible]
[illegible]
[illegible] Brissini et [illegible] ut [illegible]
[illegible]
[illegible] fol. [illegible]
[illegible] ut [illegible]

[illegible]

[illegible]
. 337. col. [illegible] post med. [illegible] col. [illegible] 36. col. [illegible] 3.
[illegible] hoc casu in quo [illegible] Hermacora [illegible]
et [illegible]

[illegible] remoni [illegible] m[illegible]

[illegible] Rom. in [illegible] 10. n°. 18. post [illegible] cs. [illegible]
[illegible] quod hermacoras nō reclamasset [illegible]

[illegible] Simon [illegible]
[illegible] alterum nō [illegible]
[illegible]
laborena bene facta sed nō remoni[illegible] Simonis [illegible]

[illegible] alimis [illegible] et quo [illegible] labor[illegible]

[illegible] dicitur [illegible]
[illegible] p. [illegible] Syl. pagel. 170. in. 2° [illegible] tom. [illegible]
tacuis [illegible] qui tacer [illegible]
[illegible]

[illegible]
[illegible] similis [illegible]

[illegible] Rom. in [illegible] 3. [illegible] qui tacuit [illegible]
[illegible] in casu isto [illegible]
[illegible] Brissinus [illegible]

[illegible] fol. 1. [illegible] 2. [illegible]

[illegible] accedit taciturnitati, taciturnitas [illegible]
[illegible] communi [illegible] col. [illegible]
[illegible] n° 5 [illegible]

[illegible] affirmativa [illegible]
nō fuisse bona [illegible]
[illegible]
[illegible] qui [illegible]
[illegible]

Margin: Tacit [illegible]
Margin: taciturnitas [illegible]

[illegible]

cuius nomine [illegible]

[illegible] in bonis [illegible] nobil[illegible] exce[illegible]

[illegible]

Verita[illegible] [illegible] nobis [illegible]

[illegible] ubi [illegible] mis. [illegible]

[illegible]

licet bona fide [illegible]

bona fide [illegible]

[illegible] ex causa bone fide [illegible]

[illegible]

xi.

13.

.14.
[illegible]

.15.
[illegible] ... [illegible] publicauit [illegible] ... [illegible]

.16.
[illegible]

.17.
[illegible]

[illegible] patrimonia [illegible] ... [illegible]
[illegible]
[illegible] ... [illegible] col. [illegible]
[illegible] ... [illegible]
.73. col. 2. in .3.ª col. [illegible] ... [illegible] n.º 8. ubi [illegible]

.18.
Geminatio [illegible] et effectus.

[illegible] ... [illegible]

[illegible] publica [illegible] ... [illegible]
rina [illegible] dum. x. nil habuit [illegible]
habuit in [illegible]. Hec [illegible]
.23. Aprilis fol. 24. [illegible] remissioni
.27. [illegible] falsum [illegible] ex [illegible]
[illegible] ... [illegible]
[illegible] ... [illegible]

[illegible] ... [illegible] remissioni [illegible]
[illegible] ... [illegible] Joannes [illegible]

.19. Hendicas [illegible]

[illegible] verisimilibus argumentis. 6°. quia [illegible]

[illegible] quod [illegible] sed [illegible]

dotaverit. Catherina eius filia [illegible]

[illegible] habuerit filios, [illegible] eius, [illegible]

[illegible] Joannis

.20. Falsitas [illegible] ex diversitate [illegible] et alteramentis.

[illegible] 2°. falsitas dictorum [illegible] ex

diversitate [illegible] carceris, quia [illegible]

[illegible] omnibus [illegible]

[illegible] similiter falsa [illegible]

[illegible] ex [illegible]

[illegible] esse [illegible] manum dicti [illegible] et hoc [illegible]

[illegible]

.21. Falsitas [illegible] manum.

maxime quia [illegible]

.22. Falsitas [illegible] alterum.

[illegible] falso

.23. Falsitas [illegible]

.24. Falsitas [illegible] ex [illegible] [illegible] n°. 7. 7°. [illegible]

[illegible]

·25· [illegible]

·26· Ratio [illegible]

·27· [illegible]

[illegible] causa [illegible]

[illegible]

·29· [illegible]

[illegible]

[illegible] ista obiectio [illegible]

[illegible]

[illegible]

uxorem [illegible] mulieris dotibus [illegible]

[illegible]

Maria [illegible] mentata [illegible] legitime [illegible] cuius [illegible]

[illegible] non legitima [illegible]

[illegible]

[illegible] ex [illegible]

[illegible] testatur, [illegible]

[illegible] et [illegible] et [illegible]

[illegible] paterni, [illegible]

[illegible] differt. Semper [illegible] ad modum [illegible]

[illegible] dixerint [illegible]

[illegible] dixerint. sicut ex [illegible]

.40. [illegible]

[illegible]

.41. [illegible]

elliduntur [illegible] [illegible] tollit [illegible] [illegible] fortior [illegible]
[illegible]
[illegible] ut [illegible] maxime [illegible]
[illegible] Pa[illegible] [illegible]
facta [illegible] [illegible]

.42. [illegible]

[illegible]

ditarum duc. 2000. [illegible] capto [illegible] fol. 7. [illegible] sed hoc
[illegible] fuit [illegible] [illegible] [illegible]
[illegible] Angela quod Paulus [illegible]
[illegible] successit. Pascato [illegible]
.2. [illegible] fuit [illegible] non fuit [illegible] sed [illegible]
[illegible] successionis [illegible]

[illegible] fol. [illegible] .10.

43. Negatiua magis negat, quam affirmatiua affirmet.

44.

[illegible]

p. 7. Caelia Paccevina [illegible] 24

Q[illegible] [illegible] [illegible] [illegible] lib. 3° ff. [illegible] [illegible] longa [illegible] [illegible]
[illegible] sunt [illegible] uerba tex. in l. [illegible] ff. de uerb. oblig.
dicentis [illegible] [illegible] [illegible] [illegible] [illegible] tex. in l. i § [illegible] ff. de [illegible]
[illegible] in l. i. [illegible] ~~[illegible]~~ in int. [illegible] [illegible] satis demonstrata
[illegible] [illegible] [illegible] quod [illegible] D. Caeliae [illegible] [illegible]
nullis [illegible] [illegible] ipsa expedire [illegible] [illegible] alieno [illegible]
[illegible] id necessario [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] Status [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] D. [illegible] [illegible] [illegible] [illegible]
[illegible] animo [illegible] [illegible] D. Josephi filii [illegible] [illegible] [illegible] ex
[illegible] [illegible] D. Caeliam [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Voluntarium [illegible] [illegible] [illegible]
[illegible] ex facto nominis; necessarium [illegible] [illegible] necessitate [illegible] [illegible]
[illegible] ipso [illegible] Si itaque [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] animo
[illegible] non sit expressum [illegible] [illegible] [illegible] ff. de [illegible] 2° [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ff. [illegible] [illegible] [illegible] [illegible] [illegible]
tex. [illegible] Jas. in auc. [illegible] col. 8. V° [illegible] [illegible] [illegible]
Si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] auc. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] auc. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] tex. in l. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ad casum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ex facto [illegible] [illegible] [illegible] [illegible] [illegible]
D. [illegible] [illegible] [illegible] quod [illegible] D. Caeliae [illegible] animo [illegible]
[illegible] [illegible] [illegible] distinctione [illegible] Bar. [illegible] [illegible]
[illegible] Jas. [illegible] in d. auc. [illegible] in [illegible] not. col. 7. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ff. [illegible] [illegible] [illegible] [illegible] [illegible]
Jac. [illegible] [illegible] in [illegible] col. 4. [illegible] nu. 0. 7. [illegible] [illegible]
[illegible] [illegible] cons. 64. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Corn. cons. 210. in 4° col. [illegible] 257. [illegible] [illegible] 288.
[illegible] [illegible] [illegible] cons. 292. [illegible] cons. [illegible] [illegible] [illegible] [illegible]
conclusione [illegible] [illegible] [illegible] cons. 258. nu. 2. in 3° uol. [illegible] col. 9ª cons.
230. [illegible] cons. 324. in 2° uol. [illegible] cons. 10. col. [illegible] ad fi. [illegible] in 4° uol. [illegible]
Bal. cons. 18. V° [illegible] 2° [illegible] in l. [illegible] ff. de uerb. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

aris cum quod haec est communis omnium sententia, Selisio [illegible] et Chronica [illegible]
nullius dicendam videtur. Unde iam [illegible] dom. des Abrin dua. iso. [illegible]
[illegible] D. Caecilia [illegible] Jdes [illegible] nullo modo [illegible]
[illegible] quod [illegible] mendi [illegible]
fuit factum animo compensandi sed ex sola pura et mera liberalitate, [illegible]
[illegible] intermissa [illegible] beatam facere [illegible] sexto [illegible]
[illegible] corn. des. 87. [illegible] in 2a col. [illegible]
[illegible] sicut [illegible] magis [illegible] alex. [illegible]
[illegible] quod [illegible]
[illegible] facere legatum [illegible] l. quoties ff. [illegible]
[illegible] l. quoties [illegible] ergo [illegible] nemo cogatur
[illegible] 2a [illegible] pagl. 239. in 2a tomo.
[illegible] ocs marius [illegible] utiliter legare [illegible]
[illegible] ad hoc [illegible] et [illegible]
Addo quod legatum dicitur donatio [illegible] D. Caecilia [illegible]
[illegible] 2a corn. des. 292. [illegible] 1a col. et
[illegible] 275. nu. 3. [illegible] donis [illegible]
[illegible]
12 [illegible] 2. nu. 5. [illegible] in 2a col. [illegible] quod ille qui allegat [illegible]
et animum [illegible] ad [illegible]
des. 292. [illegible] in 2a col. post nu. 2. et in dubio verba [illegible]
[illegible] in verba [illegible]
[illegible] donatione [illegible]
[illegible] alex. in d. des. 12. col. [illegible]
[illegible] 9. [illegible] in 2a col. [illegible]
[illegible] D. [illegible] Jdes [illegible] animo [illegible]
[illegible] et [illegible] liberalitate et animus donandi
[illegible] compensandi l. [illegible] l. si servus. ff. de dona. int. vir. et uxo. et
[illegible] Bar. in l. [illegible] dotis ff. sol. ma. [illegible] corn. des. [illegible] in 2a
col. [illegible] in [illegible] in dubio [illegible]
[illegible] quod [illegible]
[illegible]
[illegible] alex. in [illegible] col. [illegible]
[illegible] maiori [illegible]
[illegible] ex [illegible] dicuntur [illegible] in d.
[illegible] ex corn. [illegible] et alex. in [illegible] in [illegible]
[illegible] dico quod [illegible] ex
ex liberalitate et [illegible] D. Caecilia [illegible]
esse [illegible] natura [illegible]

[illegible] donationis [illegible] sufficit [illegible] excludit. [illegible] dicitur [illegible] de bonis suis [illegible] denotat [illegible] alios [illegible] adducto [illegible] alieno [illegible] bona [illegible] significa-
[illegible] idio in [illegible] sunt [illegible] et sic [illegible] habi-
[illegible] marci [illegible] D. Caecilia et postea [illegible] D. Caecilia [illegible] in bonis [illegible] et bonis ipsius [illegible] et sic animus [illegible] ex [illegible] non censetur, sed excludit [illegible] libertis [illegible] liber. et [illegible] col. xi. [illegible] ubi [illegible] bonis [illegible] alieno [illegible] quod [illegible] alieno [illegible] liberalitatis et donationis. Quod [illegible] ex [illegible] quod [illegible] praesumi [illegible] animus [illegible] alle. [illegible] 202. [illegible] cadit [illegible] dico [illegible] conditionalis [illegible] dicta D. Caecilia [illegible] ex [illegible] nominatorum et si [illegible] habere [illegible] ex quibus [illegible] quod non [illegible] animus [illegible] dispensandi vel [illegible] conditionis quod D. Caecilia [illegible] quia si [illegible] non [illegible] non honoratam [illegible] conditioni [illegible] conditionis [illegible] [illegible] et [illegible] animo [illegible] animus dispensandi. Ex premissis igitur colligitur [illegible] quod D. Caecilia [illegible] Venetiis [illegible] uxore [illegible] D. Caecilia, quoniam [illegible] marci mediante persona [illegible] D. Caecilia [illegible] [illegible] si factum fuisset [illegible] animo [illegible] quod [illegible] falsum est [illegible] D. Caecilia [illegible] habuit [illegible] 150. [illegible] D. [illegible] 50. [illegible]

[illegible] . Joseph corrigit quod duc. 100. [illegible] D. [illegible]
[illegible] voluntate [illegible] sponsi [illegible] Jois mariti dictos duc. 100. sub
[illegible] ipsi D. Cecilie [illegible]. [illegible] casu ipsa D.
Cecilia [illegible] dispositis quod duc.
100 [illegible] eidem D. Cecilie, [illegible] sponsi [illegible]
Jois mariti [illegible] quod D. Josepha [illegible]
[illegible] dictos duc. 100. numerare D. Cecilie [illegible]
[illegible] exceptio opposita. [illegible] in [illegible] exceptio ipsi
D. Josephe [illegible] qui [illegible] diutius
[illegible] dictos duc. 100. numerasse, [illegible] numerare tenebat
[illegible] ex voluntate [illegible] D. Cecilie sponsi [illegible] Jois mariti [illegible]
[illegible] D. Cecilie [illegible] ex omni [illegible] numeratio [illegible]
[illegible] quod [illegible] voluit
[illegible] legare D. Cecilie duc. 100. [illegible] filie sue duc. 200 [illegible] dote [illegible]
[illegible] Gumbrionibus [illegible] affectio [illegible]
[illegible] sufficit [illegible] voluisse quia sine voluntati [illegible]
[illegible] in aud. [illegible]
[illegible] ex [illegible] qualis fuerit [illegible] ipsis verbis
[illegible] quod [illegible]
[illegible] habuit duc. 300. [illegible] duc. 200 [illegible] dote [illegible] duc. 100 [illegible]
[illegible] generis [illegible]
[illegible] filia [illegible] gradus [illegible]
[illegible] videmus [illegible]
[illegible] D. [illegible] in domo [illegible]
[illegible] magis [illegible] diligentia sua [illegible] filia dote
hoc [illegible] ex [illegible] D. Cecilia [illegible] casu
[illegible] Quartione [illegible]
[illegible] eidem D. Cecilie non numeratos [illegible] manu [illegible]
[illegible] Schiavetti [illegible] D. Cecilia [illegible]
[illegible] C. [illegible] fideicom. [illegible]
[illegible]
[illegible] in aud. [illegible]
[illegible] C. [illegible] quod [illegible]
[illegible] mariti [illegible]
[illegible]
quod [illegible] duc. 100. [illegible]

ex processu ei ex nobile appellatione ultimo loco producto, pro parte a clara et Marzinis liquido constat eius semper ca[illegible] [illegible]

[illegible] expeditionem, sicque debiti solutione differret, [illegible] [illegible] causa eo deducta sit, ut non amplius illi [illegible] [illegible] [illegible] [illegible] ad [illegible] laudum per cas. [illegible] confirmandum esse, Nempe [illegible] in processu producto ex libris [illegible] [illegible], [illegible] [illegible] usus fuerit in hac causa [illegible] non [illegible] [illegible] talem contineat, [illegible] concurrunt, [illegible] [illegible] qui nunquam [illegible] fraudavit sed semper [illegible] [illegible], ut [illegible] diversi habuerit tam in patria quam extra [illegible] [illegible] sed semper os et [illegible] illius [illegible] pleni [illegible], quibus proinde non minus quam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] declaratio [illegible] fant, in quem utraque partium [illegible] [illegible] [illegible] [illegible] non tamen [illegible], cum et [illegible] scriptura [illegible]

[illegible] et [illegible]
[illegible] gravi [illegible]
[illegible] tamen ultimam conclusio, quo
[illegible] vel quicq credito [illegible] vel sententie [illegible]
[illegible]
[illegible] quia cum clara sit, ut [illegible]
[illegible] debuit [illegible], ita Bar. in l. [illegible]
[illegible] in verbis ff. [illegible] Bal. in l. i. ff.
[illegible] in c. i. [illegible] Deci. in l. [illegible] C.
[illegible] multa pars [illegible] in [illegible] et con
[illegible] cap. 16. [illegible] nulli dubium est, quod
[illegible] tollit [illegible], multa ad no
[illegible] in l. [illegible] ad novam [illegible] et iudi. [illegible]
[illegible] nostra [illegible] memoria
[illegible]
[illegible]
[illegible] evidentiori probatione, cum [illegible]
[illegible]
[illegible] super quo iudex primarius cogn
[illegible]
[illegible] aliam [illegible]
[illegible] subterfugio [illegible] expedivit, Non ob
[illegible]
[illegible]
[illegible] calculis [illegible]
[illegible]
[illegible] oblatio, sive [illegible] ablati

[illegible] continet, dum posuit calcula [illegible]
ultimo obiecta [illegible] Jacobi et que gratim dicit., [illegible]
[illegible]
[illegible] (margin: [illegible])
[illegible] debet [illegible] qui accusant [illegible]
eidem [illegible] quam lesione nec [illegible], nec probant
[illegible]
in calculis [illegible] Blada [illegible]
[illegible]
[illegible]
[illegible] apparet
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
Blada [illegible], quia Jacobo qui se
[illegible] nomine Blada [illegible]
in [illegible] videri, sed quod omnes alii [illegible]
[illegible] bona [illegible] inter eos [illegible]
[illegible], et libris Jacobi [illegible] processu productis, et iustificatis,
[illegible]
[illegible]
[illegible]
[illegible] arbitro [illegible] pro diminutione
[illegible] Bladei fuissent [illegible] Jacobi, quia hoc fuisset

interfluid, nec similiter ex dictis bladis partmemisset
[illegible] Capitanio, [illegible]
[illegible] et lucro sicut [illegible]
[illegible]
[illegible] folio 43. si sua fuissent, [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] itaque [illegible]
[illegible] ut testes deponunt, et quod [illegible]
[illegible]
[illegible]
[illegible] quod [illegible] Jacobus [illegible] mercari
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] solitus [illegible] plenius [illegible] non [illegible]
[illegible]
[illegible]
[illegible]
omnibus sic resolutis declarandum [illegible] [illegible]
[illegible]

[illegible]

ain' continet. n° 28 [illegible]

[illegible]

tulo quæcat in [illegible]

[illegible] doli [illegible]

inal. l. prdnus. [illegible] l. quoties. §. qui dolo. ff. [illegible] l. i. C. si omis. cau. [illegible]

[illegible] si praetor. §. marcellus. ff. [illegible] c. accedens. [illegible] c. [illegible]

[illegible] cu [illegible] ubi [illegible]

modo [illegible] allegare [illegible] timeri [illegible] succumbere. [illegible]

[illegible] quo [illegible] possit [illegible] casi

fortioribus [illegible] [illegible]

[illegible] consangui. in praetat. n° 78. et 79. fol. ii. [illegible]

[illegible] nullus [illegible] in omni casu [illegible]

[illegible]

[illegible] in l. 4. [illegible]

[illegible] col. [illegible] C. [illegible] [illegible] [illegible]

[illegible] mutationis [illegible]

[illegible] in [illegible]

[illegible] duo [illegible] mutationis [illegible]

[illegible] aliquis [illegible]

[illegible] vol. [illegible]

[illegible] simulatio ex [illegible] [illegible]

[illegible] ab [illegible] emptionis [illegible]

[illegible] ad [illegible]

[illegible] de dic dia [illegible] ipso nos [illegible]

[illegible] pure primo [illegible] cum [illegible]

[illegible] forme [illegible] forma [illegible] actu . 20. Januarii nunc exacti solvendi omnia [illegible] iure venien[illegible]

[illegible] [illegible] fol. [illegible] . 47 . [illegible] edicionis [illegible] carnem adiectam, [illegible]

[illegible] onus solvendi omnes [illegible] carnium [illegible]

[illegible] sentencia, secundum [illegible] 19 . [illegible] 187 . vol. 2 . Rom. [illegible] 402 [illegible] [illegible] ratione ipsius [illegible] in [illegible] ex hac [illegible]

[illegible]

[illegible] nihil sericien. [illegible]

in extrinsis multum aber [illegible]

[illegible] cum Carmus voluntarie [illegible] [illegible]
[illegible] 23. octobris. 1501. [illegible]
[illegible] ipsi [illegible], et inde qui tenet [illegible] Pratena

[illegible] in tempore
in p.o uol. et cos. 295. [illegible]

[illegible] in casu voluntarij [illegible]
Sicuti voluntarie [illegible] in p.o [illegible] causa post nouam [illegible]
[illegible] dimittere [illegible]

[illegible] 23. [illegible]
octobris. 1501. est [illegible] non habet locum [illegible]

[illegible] ac [illegible] in [illegible]

rr. in causa [illegible]
[illegible] fini ad lib. expen.
[illegible] si omittere [illegible]
[illegible] tenet [illegible] expr.
[illegible] litigante [illegible]
[illegible]
[illegible]

26 [illegible] C. ad. l. [illegible] [illegible] quod exiga[illegible]
[illegible] Hier. in [illegible] lib. adver. [illegible] [illegible] tom. [illegible]
23 [illegible] [illegible]
24 [illegible] [illegible]

[illegible] sed [illegible]
[illegible]
[illegible]
[illegible] sed [illegible]
[illegible]

[illegible]

[illegible] quia [illegible]
[illegible]

[illegible] dimidia capitalis [illegible]
[illegible] duc. [illegible] minus
[illegible]
[illegible] fol. 62. 1°. 63. 64. [illegible]
[illegible] duc. 15. [illegible]

[illegible] anno [illegible] [illegible]
[illegible] quia [illegible] 23. [illegible]
[illegible]
[illegible]
[illegible] si modo [illegible]
[illegible]
[illegible]
[illegible] 22. octobris [illegible]

[illegible] 1581 · 8 · aprilis · fol. 28 · t.° Carmen fuisse [illegible]
[illegible] abolitionis instrumenti · 14 · martij · 1581 · licet nil [illegible]
[illegible] [illegible], et acceptasse [illegible]
dicto instrumento Carmeni, cui [illegible] dicto anno 1581 [illegible]
[illegible] fol. 8 · t.° et ita habent [illegible] Ciami [illegible] fuisse [illegible]
[illegible] fuisse sibi [illegible] vocari [illegible] Zugheri [illegible]
[illegible] in dicto instrumento · 14 · martij · cum [illegible] Carmeni, et B[illegible]
[illegible]
[illegible] quod [illegible] a [illegible]
[illegible] Carmeni et Jac.[illegible] [illegible]
sic quod
[illegible] 7 Ciami [illegible]
[illegible]
[illegible] non opus erat [illegible]
[illegible] tam [illegible] in [illegible]
[illegible] ex alia causa, et [illegible] alios [illegible]
[illegible] Carmeno [illegible]
[illegible]
acta [illegible] duc. 7 Ciami, quia non opus erat [illegible] illis [illegible]
cum [illegible] duc. 7 [illegible] cum Ciami, et [illegible] aliquis [illegible] in [illegible]
[illegible] haberet [illegible] Carmen [illegible] non [illegible]
[illegible] in instrumento Carmeni [illegible] a Ciamo [illegible] carnetis
[illegible], quod dicti duc. 7, sint [illegible]

[illegible]
[illegible] instrumento · 27 · octobris · a quo [illegible]
[illegible] meliorandi [illegible]
et in [illegible] Carmeni meliorandi
[illegible]

[illegible]

... [illegible] ... ciuibus in

[illegible] esse per agnia [illegible] ... Pau. Cast. [illegible] 255. col. p.a post med. [illegible] 406. [illegible]

... [illegible] col. 2. post med. [illegible]

[illegible] in [illegible] 174 col. 3. [illegible]

[illegible]

[illegible] n.o 21. [illegible] itaque ex premissis [illegible]

[illegible] concludendum est [illegible]

[illegible]

.17. Sententia que [illegible] ... [illegible]

in [illegible] causa [illegible]

[illegible] in criminalibus [illegible] sententia [illegible]

in rem iudicatam, [illegible] hoc [illegible] in numero et nouo

[illegible]

[illegible] in criminalibus [illegible]. In casu [illegible]

[illegible] sententia [illegible]

[illegible] fol. 8. [illegible] execucionem [illegible]

[illegible]

[illegible]

§. ff. ver. uel si no' ... ius litiscr[?] et [illegible] Guid. [illegible]

Decis. 308. ... 179. n° 4. ... sententia si sic ... ex ... causa ... quia ... perdere obiectio[?] ... tia ... iudicata, ... ubi transactio nō interuenit, alioqui haec iura ... sibi contradicerent ... non esse di[illegible]

[illegible] ... Proxime ... sententias ... pariter ... actori cautum ... dicta sententia, ... nec error ... qui error ...

... iudicatum, et ... nō est necesse. [illegible]

... quod ... dicta lex ... actionis ... subuenire ... loquitur ... actionis, ut nostro casu. Rursus ... post sententiam, hic uero sic. Demum ibi ... hic autem nulla est legitima solutionis ... praeter assignes particulas ...

[illegible]

... tissime ... non ... Demum quia ...

[illegible]

... in dicta ... domus. D. ...

... renunciatione domus ...

[illegible]

[illegible] examinacionis [illegible] soluere [illegible]

[illegible] ad tempus [illegible] assecuri [illegible]

[illegible] soluerit [illegible]

[illegible] domus [illegible] dicitur

[illegible] habet [illegible]

[illegible]

In P. [illegible] [illegible] liber [illegible] 28 3
In cons. vol. 3. cons. 19. c. 110.

Purliuienses Cives, qui suburbani in ne[illegible] per eos intentata [illegible]

[illegible]

uiuenses in hac causa sunt meores, qui nihilominus no uident posse [illegible]

[illegible] est absoluendi [illegible]

iii. l. actor. [illegible] de eden. [illegible]

[illegible]

[illegible] debet. [illegible]

[illegible]

fructibus consistit, ab ex ipsa perceptione probat. Tex. est in l. Titiam ff. de Sol.

[illegible] in l. Pomponius. ff. quib. mo. usus fruc. amit. [illegible] bone fidei ff. de acqui. rer.

domi. Bar. in l. ii. [illegible] Bal. in l. i. [illegible]

in l. iii. [illegible] fin. [illegible]

hoc quoque ff. de [illegible] quoque, Bal. in [illegible] l. Pomponius. ff. [illegible]

mod. usus fruc. amit. [illegible]

de offic. in c. similiter. §. si quis de manso. n. 30. 31. de cotrou. investi. [illegible]

[illegible]

[illegible] in p. vol. rursusque cons. 187. col. 4. vers. secundo maxime. cons.

205. col. 3. vers. non probat. qui cons. 266. col. 6. [illegible] prim. qui cons. 282. n. 4.

in p. vol. ac cons. 185. n. 4. in 3. vol. quod cum hec possessio longissima [illegible]

[illegible]

[illegible]

quibusdam. §. praeterea [illegible] de verb. sign. l. in concedendo ff. de acq. plu. arc.

[illegible]

Concedit [illegible] in trac. de antiqui. temp. par. 4. sect. absolutis differentiis

¶ 5. [illegible] quae et [illegible]
[illegible] sol[illegible]
[illegible] in materia [illegible] nullo [illegible]
[illegible] ergo commune probando usu longi
[illegible] sufficienter probasse, sicque in sua possessione
[illegible] ¶ [illegible] negatoria tollitur 30 annis. l. sicut. l. cum
[illegible] an. Ergo nullo pacto intentat
[illegible] sit, quia anni 40 effluxerint sustinendum
¶ 5. [illegible] diuturnitate temporis et bona fides interveniat
[illegible] 10, quia sine titulo praescribitur. l. si quis diu
[illegible] ac idem Bar. in l. ij. C. [illegible]
[illegible] Bal. in l. i. col. [illegible]
[illegible] quia sicut in rebus corporalibus probato titulo
[illegible] bona fides [illegible] doceat. l. nemo praedo. ff. [illegible]
[illegible] 30 vel 40 an. ita in incorporalibus solo usu
probato bona fides praesumi debet. [illegible]
[illegible] tit. quia longa posses-
[illegible] l. diuturni
ff. si servitus vindicetur. Praeterea quia bona fides residet in animo qui soli Deo est
cognitus [illegible]
[illegible] anni [illegible]
[illegible] Alex. in c. statuto. § [illegible]
[illegible] si vero [illegible] tito [illegible]
[illegible]
[illegible]
[illegible] in 6. Bar. no. in l. celsus. ff. de usucapio. ¶ 6. si [illegible] in servitutibus
requiri [illegible] animo [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] animus, ibi, puta quia [illegible]
[illegible]
[illegible] l. quaero ad fi. ff. de adil. edic. Bar. tradit in l.
[illegible] qui. Bal. in l. etiam. C. ad l. falci. [illegible] in l. si fugit
[illegible] servu. fug. Sed actus pascuationis tot annorum statim indicat [illegible]

[illegible] esse [illegible]

duco glo. et Bar. in d. l. qui in aliena. §. sed et si [illegible]
ubi tenuerint, et ex patientia x. annorum quaeri [illegible]
discontinuam, sed non modo x. annis, uerum et ultra 40. Comune S. Joannis
[illegible] patientia [illegible] Ergo sumus in [illegible]
servitute [illegible] comuni servitus quaesita dicit'. [illegible]
[illegible] materiam pascuatiois adduco [illegible]
[illegible] pas. pub. [illegible]
standum esse antiquitati in pascuis publicis. ad quod est [illegible]
col. 2. cons. med. et Dec. in cons. 550. Crau. qui refert in [illegible]
Franc. marc. decis. iii. n. ii. in 2. uol. Barb. in [illegible]
[illegible] quia in tali casu servitus esset quaesita
[illegible]
[illegible] servitus [illegible]
[illegible] pascendi [illegible] servitutem [illegible]
[illegible] col. [illegible] uol. Concordat
[illegible]
multa Crau. in cons. 4. n. [illegible] debetur in [illegible], et cum una villa de
servitutis, [illegible] 2. uero assumpto probatur ante eiusdem
pascui [illegible] alterius [illegible]
[illegible] est [illegible] 441 [illegible]
in fi. in p. uol. Aret. in [illegible] sufficere in hac personali
d. cons. 4. et tenet [illegible] uol. [illegible]
Servitute [illegible] potest Purlitensibus ex aliquo privilegio
prohibendi, ne comune [illegible]
dicto privilegio, et iure prohibendi, uidentur illi saltem tacite renuntia[illegible]
[illegible] accesserint. [illegible] privil. C. accedentibus [illegible] privil. cu[illegible]
[illegible]
[illegible]
[illegible] in [illegible] vigilanti [illegible] xi. [illegible]
cons. 325. in p. uol. [illegible] media, ut probatur [illegible]
[illegible]
[illegible]
[illegible]
Franc. marc. decis. 225. [illegible]
[illegible] pascendi in Campo molli
[illegible] Comune [illegible]
pascuat principaliter [illegible] in Campo molli [illegible] id sibi
[illegible] Flumina [illegible]

[illegible] pascuaret. l. i. §. denique ff. de aqu. plu. arc. io qui [illegible]

[illegible] examinati, qui producti parte Comunis S. Joannis deponi[illegible] dixi quod dictum comune pot pascuare in Cambo molli ex causa solutionis [illegible]

[illegible]

[illegible] na publica iuris Comunis quod satis ipsum tueri videt, Ergo [illegible]

[illegible]

[illegible] actu et [illegible] Bar. [illegible] co. 58. [illegible] co[illegible] possidet, pot quelibet a tali usu prohibere. l. si quis d. ff. d [illegible]

[illegible]

[illegible] res in dubio libera presumitur, nisi probet obligata. d. l. altius [illegible]

[illegible] ab. §. ab matis rem scire dicatur, qui scit, affirmative, [illegible] qui scit negative [illegible]

[illegible] m. l. si pupilli. §. si pupilli [illegible]

[illegible]

in. l. sicut. §. sed si quaeratur. ubi et glo. Testat idem. ff. si servi. uendi[illegible]

[illegible] idem Bar. in [illegible] Loci interdicto ff. [illegible]
[illegible] in servitutibus sufficit illi, qui agit negatoria [illegible]
[illegible]
[illegible]
addi pot. et tex. in d. l. altius, [illegible] in l. si tibi servitutem C. de servit. [illegible]
[illegible] facit dictum Arist. 4. metaph. dicentis [illegible]

27 [illegible] Inde cum servitus sit [illegible] ff. de verb. ob. [illegible]
Bar. in [illegible] eo. tit. [illegible]
[illegible] § facta ff. de capt. [illegible] postulari [illegible]
[illegible] Joannis [illegible]
negat [illegible] affirmet [illegible]
[illegible]
[illegible] cons. [illegible] col. 3. [illegible] 146. [illegible]

28 ¶ [illegible] de cens [illegible]
[illegible]
C. cum olim de censi. Bar. in l. post legatum ff. de his [illegible] ut indi. Bal.
in l. [illegible] C. eo. tit. [illegible]
[illegible]

30 ampliatio [illegible]
[illegible] cum venerabilis. col. 14. vers. predicta conclusio.

31 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] partibus tantum [illegible]. In casu aut[em] nostro plane constat Commune [illegible]
[illegible]
159. [illegible] 160. [illegible]
[illegible]
[illegible]
[illegible] licentia [illegible] quali. in 6. ubi archid. Nec importat necessi-
[illegible]
[illegible]
[illegible]

32 [illegible] consuetudo [illegible]
[illegible]
qui [illegible] consuetudo [illegible] excepto. l. loca.
est aut[em] consuetudo in [illegible], ut qui tenet [illegible] afficitur [illegible]

semper em retentione ... ipsi ill[ius] iuris respectu ... splendore ... maior

... affectus supponit locationem quia solutio ... conse-

tiva est locationis, ut inquit Bal. in l. ad ... ditione in 2. no. ... loca-

... locatio ... totius annua ... Bal. in

... tua ... illa ... in l. ij. in ... sup ...

... emph. ... cons. 112 ... Bal. ... 14 col. ...

... Comite ... pascendi ... in impomodu ...

... sine ex ...

similiter ... quia actus ... extra

extra voluntate D. Comitum l. voluntaria C. de excus. tut. l. multum

... possessionem

... sicut inferius

demonstratur. 4° in subiecto, ... Comite ...

... in ... allicet ...

... Comitiss ... quod ... ex illa ann...

... in depositionib. ...

... Bal. ... 130. n° ... in 3° ...

... possidere ... detinet ...

... dicitur possidere ... haec plantur ... in l. si

... §. is qui ff. de ... l. si filius ... ff.

... 2. ro. col. ...

... 25 ... quia Bal. ... 335 n° ... in ...

... ideo §. i. ff. de ...

... ubi ... quod meo ...

... alieno nomine

... dicit ...

... §. qui ...

ff. loca. iuncta illud ... in ... haec ... sunt vetere

... Coloni ... in l. si quis conductionis titulo C.

loca. ... possidet ...

...

...

... possessione ...

Et Colonus non praescribat etsi mille annis possideat ...

...

... in C. cum non licet de praescrip. Bar. in auc. ...

Bar. ... in l. ... C. de prescrip. 30. uel 40. an. Bal. et Saly. in l. neq. ... usufruc. ubi ... tradit Oldendorp. in sua ... Class. ... quem ... is, contra quem. C. de prescrip. ... Comune prescripsisse eo quod nulla ... dici hoc casu facta interuersio. per tex. in l. cum notissimi. ubi glo. in uer. conductori. C. de prescrip. 30. uel 40. an. ... interuersio per requisitione, ... Colonus soluat, uel relaxet, et ... Coloni qui postea toto Tempore quiete possederit, ut hoc testatur ... in l. si quis conductionis ... Bar. ... princip. quae. ... facta fuisse apparet. ... interuersio hoc casu facta ... Comune ... unde nec ... fuit, uero nec est bona ... contra ... diligenti. ... Cum ibi plene no. ... 28. et cos. 58. ...
... respondisse ... C. de prescrip. 30 ... hallucinata ... Colono ... testes ... habuerit ...
... quae probatio duo ... causa solutionis ... homines ... Comunis ... Joannes non fuisse ... Communis ... Campana ... ouincit ... malam fidem ... ex causa ... conduxerat, et proinde bonam fidem ... fides autoris no ...
cet et successori illius bonam ... possessio ... sua ... Comunis ... usucap... ... uti possi. ubi Bar. ... si tibi fundum. ff. de ... ang. ... Cy. in l. i. in qua. 8. ... Bar ... ideo et ipse ...
... prin. ... in ... l. cum in ... possessione prescriptio non procedat, ut iam dictum fuit sup. ... cum sine possessione ... ex processu ... fama publica, quod dicta campanea sit ... inferius ... Comune ... possessor ...

[illegible] quod ᵽscrip[illegible] unde ppea ipsi Comunit[illegible]
[illegible] tempus immemorabile c. i. d. ᵽscrip. in
[illegible] error [illegible] C. d. servi. [illegible] neutr[illegible]
[illegible]
[illegible] de servi. ubi dixit in ᵽscriptione servitut[illegible]
[illegible] tit. vel pbabilis error facti pbet. ut quia
[illegible]
[illegible] de contrario [illegible]
[illegible] homines [illegible] Joannis pascuarit in ea [illegible] causa solution[illegible]
[illegible] ad[illegible] Cat. in tract. [illegible] art [illegible]
x. [illegible] servitutes [illegible]
[illegible] esse [illegible]
Comune [illegible] esse, sine nullo tit. habere, sine quo alioq[illegible]
[illegible] C. d. acqui. poss. l. diuti[illegible]
[illegible] ᵽscriptionem allegare posse; Ne dicat [illegible]
[illegible] utile [illegible] occidere
tit. [illegible] Bal. in l. quaeda [illegible]
[illegible] ff. d. acqui. poss. Corn. cons. 14. n. 4. in 3 vol. cons. 2[illegible]
[illegible] in prin. in p. vol. [illegible]
[illegible] n. 2[illegible]
[illegible] tit. [illegible] possessionis [illegible]
[illegible]
[illegible] sit [illegible] tit. [illegible]
[illegible] possessionis initium quale fuerit ut dicit Bar. in [illegible]
[illegible]
[illegible] possessionis fuisse ex causa [illegible]
[illegible]
C. [illegible] animo [illegible]
Bar. in l. cum possidetis. C. d. pba. [illegible] sine animo [illegible]
§. in amittenda. ff. d. acqui. poss. [illegible] in d. l. [illegible] qui
possessio et Civilis [illegible]
vel suspicor posse repelli, at firmat Alo. in l. [illegible]
[illegible] poss. [illegible]
[illegible]
[illegible] armentarios [illegible]
comunis, fere omnes. a[illegible] Julii [illegible] fol. 57. [illegible]
.58. [illegible] 25. Maij. fol. 59. [illegible]
[illegible]
Maij. fol. 49. ac 7. Junij. fol. 52. 53. 54. [illegible]
.19. 21. dicti. fol. 56. 57. 63. 64. [illegible] 65 [illegible]

pant animi Purlikiensium [illegible]

[illegible] Comuni S. Joannis. Nec obstat [illegible]

[illegible] tamen [illegible] ut probant [illegible]

[illegible] Purlikienses [illegible]

[illegible]

potuit currere prescriptio. l. contra maiores. [illegible]

restitutio facta fuit ex eo, quia non dd. Purlikienses posuerint [illegible]

non obtinuerat in negatoria unde cum fundarent [illegible]

possessionem, iure merito oportuit eis [illegible] restitutionem [illegible]

[illegible] iure Purlikiensium exclusiue [illegible] S. Joanne, demum resti-

tutiones illæ pignorum [illegible] facte non [illegible] absolute sed [illegible]

foras, sine iudicio partium, quod [illegible] suorum, ut probant dicti Testes, [illegible]

[illegible] 1541. 7. [illegible] 1542. [illegible]

Quæ restitutiones eo modo factæ, duo inferunt. primum quod licet in poss. [illegible]

[illegible] fuerunt pignora tam petitorio [illegible] non iudicatum

est. 2um quod vincentibus Purlikiensibus in petitorio [illegible]

S. Joanne [illegible] damnum, et mulctam, hoc n. importat

ille Terminus, manus foras, qui ita in Patria [illegible]; Sequitur [illegible]

[illegible]

[illegible] huic

[illegible]

[illegible] quæ [illegible]

[illegible], sed [illegible]

in c. decorum et seru. non ordin. [illegible] in l. uni. C. uti possi. posses-

[illegible]

[illegible] colla-

[illegible]

[illegible] 8.° Possessio Pur-

[illegible] S. Joannes; [illegible]

[illegible]

iustior sit [illegible]

[illegible] antiquior sit, probat. quia in quæstionem nec [illegible]

ducta fuit [illegible] testes utrinque examinati [illegible]

iustior est, quod antiquior, [illegible] esse in casu victori[illegible]

quia [illegible] possidet post alios [illegible] libere, ut prædictum [illegible]

qui legitimam [illegible] uel antiquiorem probat possessionem; pro ea, quæ [illegible]

dant Bal. in Cons. 42. n.° 8. [illegible] in cons. 420. n.° 8. eo. uol. rursus [illegible]

[illegible]

[illegible]

in glo. in uer. pro monachos. in fi. et in mt. [illegible]

Decis. 4. n.° 3. in nou. sequit Pet. de Beninte. n. Decis. [illegible]

[illegible] 88. [illegible] in 2° uol. [illegible] 76. n° 8. 20 [illegible]
[illegible] vs° secu[n]do eandem co[n]clusio. in p° uol. [illegible] 39. n° 8. in 3° [illegible]
[illegible]
[illegible] ponderat, et si recentior sit titulata, antiquior uer[illegible]
[illegible] 49. in [illegible] 57. n° [illegible]
98. [illegible] Pur[illegible]
[illegible] nom[illegible]
[illegible]
[illegible] in [redacted] [illegible]
[illegible]
[illegible] quod natur[illegible]
[illegible] in Camer[illegible]
[illegible] ius servitutis [illegible]
[illegible] quia [illegible]
[illegible] id quod [illegible] simus in servitut[illegible]
[illegible] hominis requiritur, nec [illegible]
[illegible] roman. ff. [illegible] seru. urb. prædi. [illegible]
[illegible]
[illegible]
[illegible] ad acquisition[illegible]
[illegible]
[illegible] aquæ. ff. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Quod [illegible] præscriptio[illegible]
[illegible] Joanne [illegible]
[illegible] Joanne [illegible] depositiones [illegible]
[illegible] asser[illegible] causa [illegible]
[illegible] Comites [illegible]
[illegible] dicendu[illegible]
[illegible] examinati, sed in [illegible]
[illegible] Judicato [illegible] vulgata iuris [illegible]
[illegible]
[illegible]
[illegible] mulieres. [illegible]
[illegible] tempore [illegible]
[illegible] annis
45. alij uero d[e] recentiori tempore deponunt, nec d[e] tempore co[n]tinuo usq[ue]

dicti Testes, deducendo est tempus a lite mota d'anno 1558 usque ad 1570 quo tempore

70. fuerunt examinati, quia poss. cotin[illegible]

ad coplendam prescriptionem. l. more litis. [illegible]

72. [illegible] vers. [illegible] q testes discorda[illegible]

teat Dacca. Bal. in l. [illegible] unde ex eiusmodi [illegible]

[illegible] antiquius [illegible]

[illegible] sup. si inferius demonstra[illegible]

71. unde cu [illegible]

cadant [illegible]

[illegible] Paris. in cos. 25. n. 80. cu seque. ea rone, quia prescriptio cosistit in facto,

sequit [illegible] in 6. [illegible] in cos. 80. in 4. [illegible]

Paris. costantiss. [illegible]

[illegible] inducendã prescriptionẽ, ut tit. bona fides,

[illegible] Bal. in [illegible]

semper pot esse in fasciis, [illegible]

p. bona fides, quae pbari debet et ubi servitus habet causa cotinua, p

l. i. C. d servit. et aqua [illegible] si ostendunt servitute, p sonale esse [illegible]

77. nus tempus sufficiat, [illegible] tit. licet in reali[illegible]

78. [illegible] ubi multa alia. ac in Decis. 408. [illegible]

79. [illegible] in re iur. ipsorum traditio no est, sicuti

cotrarijs dicebat, [illegible] tradit, et cocludit Bar. in [illegible]

[illegible] bona fides, et q quis usus sit

[illegible] servitutis pbat tex. in l. si. ff. quemadmodo servit. amit. ubi [illegible]

[illegible] ut apud Bar

[illegible] pbare debuerut secudo Alo. ubi Bar. in d.

clam, nec precario possedisse, put haec omnia

uidetur restringen. Bar. in l. ij. C. de remis. ad adu. ubi [illegible] exigit [illegible]
ex [illegible] uacantes dicitur [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] S. Ioanna [illegible] [illegible]
[illegible] eius nec [illegible] ad [illegible] [illegible] ut [illegible]
mines [illegible] iure seruitutis [illegible] [illegible] coste [illegible]
[illegible] quod ipsi nunquam
[illegible] ut [illegible] [illegible] defendens ex solutione [illegible]
[illegible] patientia Purlilienci non [illegible] [illegible] et [illegible]
[illegible] mediante [illegible] eos [illegible] sub. demum
[illegible] restitutionis [illegible] manus [illegible] sine [illegible]
[illegible]. Postremo eos [illegible] undique [illegible]
ex supius allegatis, [illegible] posse non succumbere in hoc [illegible]
[illegible] incurentia non [illegible]. ¶ xi.º si ipsis [illegible] Ioanne non [illegible]
[illegible] iure Colonie, [illegible] ostend. [illegible] prescriptioni [illegible]
[illegible] Canea anni [illegible] [illegible] iure [illegible]
[illegible] Comit. [illegible] reduit [illegible]
[illegible] immemorabi.
[illegible] possunt. Tex. est in [illegible] l. i. §. de [illegible]
[illegible]
[illegible] in [illegible] Sect. materia
n.º 58. [illegible] col. [illegible] n.º 85. [illegible] 490. [illegible] col. 107. n.º 4. [illegible] l. Bart. in [illegible]
[illegible] auctoritates [illegible]
[illegible] ¶ xij.º [illegible]
[illegible] Comites non [illegible] [illegible] licentia [illegible]
casserunt illis S. Ioanna [illegible] in [illegible] [illegible]
duit necessario [illegible] licentia [illegible] permissione [illegible]
[illegible] cessare [illegible]
[illegible] in arg. [illegible] l. §. [illegible] [illegible]
[illegible] Praeterea [illegible]
[illegible] translationem [illegible]
[illegible] donationem ut ibi [illegible]
ad permissio accipienda est secundum [illegible] [illegible]
ad naturam concessionis [illegible] [illegible]
[illegible] cum sim. Ergo cessat concessio, uel [illegible]
uocata uidetur, qua in re [illegible] non opus fuit, tum quia ut [illegible]
am [illegible] Comites nullum ius [illegible] nec [illegible]
licentias. tum et quia [illegible] [illegible] locationem [illegible]
[illegible] Unde [illegible] [illegible]

[illegible] mitie [illegible] [illegible] [illegible] naeur [illegible]
[illegible] [illegible] ff. [illegible]
[illegible] mec quia haec quidem ncantas ne [illegible]
[illegible] de [illegible] ff. [illegible] in cons. 290. [illegible]
[illegible] usu, mediantibus recusationibus [illegible]
[illegible] comites destitisse, [illegible]
nisi [illegible] nil iuris [illegible] iurisdictionis [illegible]
[illegible] praeterea accusari [illegible] in eum [illegible] 20. [illegible]
[illegible] sumit suum negligere, ab [illegible]
[illegible] Soci. tradit in cons. 15. col. 4. vers. debuit ergo. in 1. uol. [illegible]
in l. 1. [illegible] aurum ff. [illegible] solu. [illegible] adducitis per Corn. in cons. 127. [illegible] 18. in
2. uol. ¶ xiij.° [illegible] quod et si concurreret uouitas [illegible]
[illegible] nil praeiudicij afferret [illegible]
[illegible] nunquam [illegible]
nisi quoad iurisdictionem, non ius pascuandi fuit, et esse [illegible]
[illegible] Cons [illegible] [illegible] Hac
bona comunalia, promissa sunt a principe [illegible] comunibus [illegible]
esse repiunt [illegible] ad usum animalium suor, ut per [illegible] leges, et decreta [illegible]
[illegible] 1405. 22. iunij. 1542. 5. [illegible] 1557. 28. iunij. in [illegible]
fol. 173. usque 181. qui [illegible] et iuris comunis decisio, qua cauti [illegible]
pascua esse, et [illegible] in cuius territorio [illegible]
[illegible] existat, non autem [illegible] loci, ac iurisdictionis. Ita tenuit Pau. Cast.
in [illegible] licet Iudex. col. 2. post [illegible] col. [illegible] 56 licet [illegible]
[illegible] in 2.° uol. quem refert [illegible] in cons. 153 [illegible]
[illegible] Corn. in cons. 247. n.° 10. in [illegible] uol. [illegible]
[illegible] iurisdictio [illegible]
duo inter se distant iurisdictio [illegible] pascuandi [illegible]
[illegible] ut [illegible] pascuis [illegible], imo ut duo accolae secundum Colect. in
[illegible] ad quaestionem [illegible] n.° 5. exemplo militis aliquo in loco habitantis,
qui dupla ex comuni usu ciuium utilitate consequi debet l. imperatores. ff. de [illegible]
[illegible] dit Couarru. pract. quaest. cap. 37. col. 4.
[illegible] posse [illegible] plura animalia domino iurisdictionum
[illegible] 5. fol. 560. qui tenet, non posse plura animalia [illegible] unus ex accolis. At bene [illegible]
[illegible] pascuis [illegible]
[illegible] acerrime defendit eo loco pascua publica [illegible]
[illegible] nec tamen dominum [illegible]
[illegible] dominij in eis [illegible] duum [illegible]
[illegible] Bertrar [illegible]
[illegible] de [illegible] l. omne territorium [illegible] 5. 75. in 2.° uol. [illegible]
col. 2. [illegible] 5. in 3.° uol. [illegible]

[illegible] Quod [illegible]
fines iurisdictionis [illegible], probat, quia [illegible] quia [illegible]
[illegible] nisi [illegible] in eorum territorio [illegible] ipsi [illegible]
[illegible] in Campo [illegible]
custodire [illegible] in eo fecerunt, et nullus [illegible]
[illegible] territorium [illegible]
[illegible]
in [illegible] 8 [illegible] col. 2 vers. 2a conclusio [illegible] vers. no. 2 [illegible]
territorium a terrendo. Bar. in l. pupillus §. territorium [illegible]
[illegible] iurisdictione [illegible] Bar. in rub. quae sint [illegible] vel [illegible]
[illegible] situ Bobus [illegible] possessione [illegible]
[illegible] in l. [illegible] Praeterea
[illegible] ius sunt fines, et concludit
Bal. in rub. [illegible] empt. [illegible] §. [illegible] ff. [illegible]
[illegible] col. 2 [illegible] 3a conclusio. in [illegible]
[illegible] quae faciunt [illegible]
[illegible] concessio illis de S.to Joanne [illegible]
[illegible] ut deducit [illegible]
siquidem certum est [illegible] dare [illegible] non habet [illegible]
[illegible] §. sed [illegible]
[illegible] domini [illegible] habet [illegible]
[illegible] C. de [illegible] 1. 9. 7. [illegible]
[illegible] l. traditio. ff. [illegible] plus dico, quod si [illegible]
[illegible] concessionem [illegible]
[illegible] vel esset simplex permissio, et esset revocata [illegible] dicta, [illegible]
[illegible] possessione. C. inter [illegible]
[illegible] Bar. in l. [illegible] ff. [illegible] in l. [illegible] §. 1.
[illegible]
[illegible] 8. Alex. [illegible]
[illegible] vel [illegible]
[illegible] quia quicquid [illegible]
[illegible]
[illegible] comitia [illegible]
[illegible]
[illegible] suo [illegible]
[illegible] c. 1. [illegible] fide. in c. 1. [illegible]
[illegible] c. 1. [illegible] in prin. [illegible]
[illegible] nulla alienatio [illegible]
[illegible]
[illegible]

Non est obstat asserta possessio tenoz [illegible] comitiu concedendi licentia, quia po-
[illegible] siquidem poss[illegible]
longo tempore [illegible] ut firmat [illegible] xj. [illegible]
est [illegible] sine universitatis [illegible]
[illegible]
[illegible] censetur [illegible] ex.
[illegible] acquisitum [illegible] ff. de diu. et temp. [illegible]
[illegible] in l[illegible] de [illegible] aut. l. [illegible] ff. [illegible] 4 [illegible]
[illegible] 45 in 5° uol. Dec. [illegible] 4 [illegible]
[illegible] requir. ¶ xiiij.° Purlianenses [illegible]
[illegible] à memoria [illegible]
[illegible]
ꝑ illos et s. Joanne [illegible] ut testes Purlilienses omittantur.) ex decessu [illegible]
agitato inter eos, [illegible] in [illegible]
[illegible] fol. 140. [illegible] fol. 142. 143.
[illegible] f. 144. [illegible]
[illegible] in solidum [illegible]
[illegible] continuasse dicti [illegible] in solidum [illegible]
prim. in 4°. uol. [illegible] quod [illegible] 20. n°. 7.
franc. marc. decis. 222. n°. [illegible] ¶ xv.° [illegible]
[illegible] immemorabi[illegible]
[illegible]
[illegible]
seruit. aquæduc. n°. 39. [illegible] lib. i. cap. 16. n°. xj. fol. 332. quem om[illegible]
[illegible]
[illegible]
[illegible] nec [illegible] ad ius seruitur. quia [illegible]
[illegible] tanto tempore [illegible]
[illegible] fuit, [illegible]
adhuc non [illegible] ex, quæ superius deducta, [illegible] Ergo
[illegible] est sententia ¶ xvj.° adduco
[illegible] expresse [illegible]
[illegible]
[illegible] nemine [illegible] licentia
[illegible] Comites
non tenuisse. ¶ xvij.° clarum est, [illegible]
[illegible]
[illegible] in [illegible] 44. in 5° uol. [illegible]

Possessionem meliori [illegible]

[illegible] Ius [illegible] acquisitum

[illegible]

Ius [illegible] immemoriali [illegible]

Semissalium [illegible]

Clementalium nulla [illegible]

cuivm ... nitur ... tenetis ... in processu ...
distratis, quoniā illa stare debent in cōmuni ... Cōmunis
in cuius Territorio sita sunt ... dicta sup. ... ea, quae expresse
sancita sunt in dictis legibus; Ergo ... illi de S. Joanne prete...
... ex cōcessione Comitum, ius ... adhuc ipsa concessio ...
... in ... tenetur. Nec cautam oportet verum dic...
... sunt ... ita quoq. ...
tari debent ut annullatis ... remaneant cōmunalia ...
... cōmunium in quorq. sunt territorio [redacted] xviij.º adduco Matt...
... c. m. c. quicunq. sub nº 3. ... Decis. 290. nº 7
... cons. 27. nº 134. in pº vol. qui tenuerunt ... et quod
iure alicui ... quaesitum foret ius pascuandi in alieno ... nihil
ominus si pascua illa necessaria essent ... in cuius per
tinentijs ... nec possent utrisq. sufficere ... praeferenda
esset dicta universitas, ita ut ... exclusi remanerent ... in
casu de quo agitur ... fuit qui quid ...
contrarium ... ausi fuerint illi de S.to Joanne, quod Purlilien...
... consortes litis indigent pascuis ... singulis annis ab
... pretio comparare; sicut e diverso illi
de S.to Joanne alia possident pascua ... herbas quot ...
... imo ... ad fundum distrahere ... Ergo
... Purlilien... obtinere debent. Nec
... probatio, quod Purlilienses ... etiā alia pascua ...
... hec non elidet ... probationem nec ...
... illa ... illis sunt satis. Nam Purlilienses ...
subditi sunt ... 300. ...
... sup. 7.º ... Purliliensium. imo ... querentes ...
alia pascua adhuc illis de S.to Joanne ... pascuatio ...
... habent ... pascua propria ...
... unde nō aequum est, ut ... suorq. vendant, ...
... concessione ... firmata ...
... imo addit ... contra. Vanar. ...

lib. 1. cap. 16. post n. xi. uers. [illegible] [illegible] pas [illegible]
ubi multorum [illegible] autoritates, tenentium [illegible] [illegible] [illegible]
à pascuandi [illegible] [illegible] territorio [illegible] necessaria [illegible] [illegible]
[illegible] nō sunt. ¶ xix. adduco tex. in l. ij. C. ne rei domi[illegible]
[illegible] ac in l. ij. C. [illegible] [illegible] iuncta glo. in uer. [illegible]
ubi expresse [illegible], nec principis, nec [illegible] [illegible] bona ullo
tempore praescribi posse; siue ergo consideretur campus mollis ut
principis et Puriliensium, ex consortio sequitur nullam praescrip
tionem posse allegari ibi [illegible] [illegible] [illegible] ad [illegible]
l. ij. in uer. nō [illegible] [illegible] usucapi p omb. ubi [illegible] pupillar
bona nullo umquam tempore [illegible] [illegible] uniuersitate [illegible]
parari [illegible] latè Soci. in cons. [illegible] n. 5. in 4. uol. et cons. [illegible] 108.
n. [illegible] in p. uol. ¶ xx. Considero, [illegible] [illegible] [illegible]
[illegible] à Carono. [illegible] [illegible] [illegible] nutri
[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible]
peccati, et [illegible] in [illegible] [illegible] animarum quae mediante [illegible]
[illegible] quis cum aliena iactura. Soci. cons. 36. col. pe. uers. p.
quia quo in p. uol. et cōs. 166. col. 4. circa fi. in 2. uol. Alcia. [illegible]
[illegible] [illegible] ante n. 27. [illegible] §. habeat. in auc. ut Eccla rom.
[illegible] [illegible] [illegible] col. [illegible] n. 8. Cuma. cōs. 159. in fi.
[illegible] [illegible] in [illegible] [illegible] col. [illegible] in fi. cōs. 84. ad fi. et cōs. 108. ac cōs
2. co. [illegible] [illegible] cōs. [illegible] in fi. cōs. 84. ad fi. et cōs. 108. ac cōs
123. Ang. in l. i. C. [illegible] praescrib. 30. uel. 40. ann. ubi [illegible]
[illegible] [illegible] [illegible] quidam ff. [illegible] lib. et post [illegible]
[illegible] [illegible] [illegible] Av. in C. possessor [illegible]
[illegible] [illegible] [illegible] contra id [illegible] [illegible]
[illegible] possessor nō [illegible] contra [illegible] [illegible]
[illegible] praescrip. [illegible] 40. ann. [illegible] [illegible]
[illegible] [illegible] [illegible] inquit lex in l. sicut falsi. C. ad
l. Corn. [illegible] [illegible] in casu nro nō attendenda erit asser[illegible]
[illegible] praescriptio, si [illegible] uideretur esse, quae tamen nulla est,
ut superius doctum fuit, et si aliqua extaret, tot [illegible] [illegible]

[illegible] actis [illegible] quibus et iuris [illegible] foret. Et ex praemissis
[illegible] satis remanet defensata, pro qua alia quoque
deduxissem nisi nimium prolixus videri timuissem. Ad contra-
ria. Ex praememoratis fundamentis satis videtur responsum
insimul conferentur [illegible] sumatim et particularius
[illegible] licet [illegible] Non obstat itaque primo quod [illegible]
ses sint actores [illegible] libertatem non [illegible], quia
[illegible] ipso iure probata est, eo quod
non probatur contrarium, quia fortior est ad negandum [illegible]
matiua ad affirmandum. Et se habet praesumptionem iuris, [illegible]
dum quam res libera semper praesumitur, nisi probetur obligata
concurrentibus [illegible] et adminiculis in praesenti casu [illegible]
supra satis [illegible] fuit. Unde cum illi [illegible] incum-
[illegible] probauerint, eos [illegible] consequens [illegible] cadere [illegible] et
Ad [illegible] iam fuisse ostensum [illegible], illos [illegible] Joanne
[illegible] possedisse, sed [illegible] nomine Dnorum Comitum, quae
detentatio sine ullo dominio apta non fuit ad [illegible] ius
[illegible] Quod autem longissima possessio habeat uim [illegible]
[illegible] locum sibi [illegible] in [illegible]
qua habet non modo temporis diuturnitatem, sed et bonam [illegible]
[illegible] absentiam aduersarij, et alia similia, de quibus suo
[illegible] fuit, quae hoc casu [illegible] Praeterea ob-
[illegible] in bonis particularium non autem in bonis [illegible] contra
principem et uniuersitatem [illegible] nec minus hoc casu [illegible]
[illegible] Dnorum Comitum [illegible] nos [illegible]
[illegible] Unde non potuerunt illi [illegible] Joanne [illegible] quod non
[illegible] et tempus requisitum non fuit [illegible]
[illegible] acquisitionem [illegible] iuris pascendi necessaria. Ad 3m
[illegible] non sit necessarius in [illegible]
seruitutibus acquirendis, fuit tamen necessaria [illegible] bonae fidei

q illi de S.to [illegible] fuissent usi iure pascuandi [illegible] acquirendi seruitutem. Et probanda fuit scientia, quod patientia [illegible] Et tamen immemorabilis [illegible] si pretendunt seruitute [illegible] realem esse probatum fuerit [illegible] se nec clam nec ui, nec precario possedisse, et tamen non modo [illegible] in eorum [illegible] contrarium probatum fuit parte [illegible] ut superius expositum fuit, et licet [illegible] in seruitutibus [illegible] non requiratur [illegible] tamen initium possidendi quod in presenti casu uitiosum fuisse, [illegible] ad acquisitionem [illegible] onis et prescriptionis ex iam dictis apparet. Preterea licet [illegible] ratur [illegible] nihilominus [illegible] fuit [illegible] [illegible] ipse inhabilis sufficiens causa esse debet ad prohibendum illos de S. Joanne ne deinceps pascuant in Campo [illegible]. Nec obstat in [illegible] rium adducta, [illegible] iam dicta et quia [illegible] illorum contra quos [illegible] et quia [illegible] comuniter [illegible] respondentur. ut a [illegible] in l. si certis annis. C. [illegible] dicit ideo ibi [illegible] non requiri [illegible] temporis diuturnitate [illegible] quia causa ibi [illegible], quae ordinabatur ad acquisitionem [illegible] institutio. ideo [illegible] consecutiuus [illegible] ad dict [illegible] usum [illegible] C. de acqui. poss. l. quaedam mulier. ff. de rei [illegible] [illegible] ordinari ad acqui[illegible] in quo nulla est causa, quae [illegible] [illegible] uel [illegible] [illegible] matet [illegible] quod [illegible] obligationis. l. obligationum. ff. [illegible] §. placet [illegible] [illegible] obligationum [illegible] temporis [illegible] in l. fidius [illegible] sed presumi est insecto solemnitatem. uidelicet iussu patris [illegible] quae diuersa sunt, quod ita [illegible] in d. l. si certis annis. [Ceterum] quod procedunt contraria in presumendo [illegible] tendit [illegible] ad acquisitionem patientis, [illegible] cus [illegible] agitur, ut [illegible] quod est in simili glo. in l. si infanti. C. de iur. [illegible] respondet [illegible] in l. in summa. §. [illegible] ff. de acqui. poss. Sed et sine [illegible]

luisionis essent contraria, cu. d. tit. inhabili illorum d. s. i. ...
a... ... ...endum consset ... nulla patientia ... illiensium inter-
cessione ... potius maxima et continuatio ... ❡ 4. ...
... ... in c. possessor ... ... de...
nem ... detrimentum anime non seruari quia locubletacio ...
ena ... ... discordia. Praeterea Bar. in l. ...
... ... negat simpliciter uerum esse ut ...
... ... bene tolli ... eo quod factu est ab annis
... ... aut ... ... factum est cuius
... ...
... ... n. ... ... Alex. ... ... si certis
... ... ubi ... ... dicere tit. ... ad ...
... tit. ... ... causa non est ... nisi intelligamus de illa
... sione ... Comitura ... ... supra ...
...imus. ❡ 5. Cessat nam superius satis ... mala fide ...
loc. d. s. ... ... in s. ... potissimo ...
... ... allato. Praeterea ... argumentatio ... ... in
contrarium ... ... non subsistit ... a Bar. et Communiter
Doc. in l. i. §. ... ...
... ... ibi uidenda, et Bal. in l. i. §. ...
aqua ... ...
... ... tit. ... ex ... ... bonae fidei praesump-
... ... ut ... ...
... ... quilibet praesumatur possidere, et prescribere bona fide
procedit nisi antiquior possessio in contrarium probetur, ut ...
... Hier. ... inter ... cons. ... n. ... ...
... ... tit. ... ut in contrarium ... ...
tit. ... ad ... ... qualis non ... ...
... ... d. s. ... ❡ 6. ... ...
... ... usos ... d. s. ... ...
mo ... ... sed ... ...

[illegible] nes, qua repugnat acquisitioni servitutis ut in [illegible]
·xxi· [illegible] x°. xj°. et alijs fundamentis [illegible]ensium. ¶ 7^{m}. quod corruit quia
Bal. et Ang. cum ultramontanis in d. l. qui in aliena. § sed si [illegible]
[illegible] ff. de acqui. [illegible] contra Bar. Bal. quoque idem tenet in l. i.
col. 8. C. qui admi. Cy. vero in d. l. si certis annis. C. de pac. distinguendo
ait, aut iure servitutis usus est [illegible] processit contrarium, aut non iure
servitutis, et secus est sed Bal. et Ang. opi. communiter [illegible]
casu aut. nro. et si opi. [illegible] adhaerere licet [illegible] non obstabit quia
non iure servitutis pascuarunt illi [illegible] Joanne sed ex [illegible]
[illegible] ut [illegible] fuit quia et
[illegible] exstitit. ¶ 8^{m} [illegible]
[illegible] alia obstant [illegible] ut [illegible]
in 8° fundamento Purlilien[illegible] deducta sunt; nam [illegible] standum
est, recurrendum est ad tempus anterius; sed nulli dubium quod Purlilienses
anteriorem, et antiquiorem, imo et [illegible] causam [illegible]
[illegible] in suo in suo, et non in alieno, [illegible] limites [illegible] est
Campus mollis, non intra alienos pascuarunt, et sic non modo [illegible]
tum non [illegible] et ipsa Purlilien[illegible] confirmat. Nec obstat
[illegible] in [illegible] pascua
[illegible] immittere, quia non [illegible]
pertinentijs [illegible] animalia [illegible]
[illegible] Joanne [illegible]
[illegible] nam ex diversis non bene infertur. ut in
[illegible] censeat
§. Papinianus [illegible] ff. de mino. cum sim. [illegible]
[illegible] initi concessioni, et licentiae [illegible]
[illegible] de
Comitum, qua mediante [illegible]
[illegible] Joanne [illegible] nullum dominium [illegible]
[illegible] Villarum [illegible]
·xxii· Territorij [illegible] cinarum sunt omnes in eorum dictis singulares si recte inspiciatur [illegible]
[illegible] l. tertium. l. iurisiurandi, cum ibi [illegible]
[illegible] ipsi testes deponunt de reciproca
[illegible] consuevit animalia sua
[illegible] si una villa depascere [illegible]
in territorio [illegible] ita [illegible] illi in alterius territorio
pascuare licet; veruntamen in casu nro non est eadem ratio, [illegible]
[illegible] Joanne [illegible] pascua in eorum pertinentijs esse illorum

propria tanto, posseq[ue] [contra] ipsorum vendere [et] postmodo [illegible] sufficiunt ad [illegible] [post]um Purilienseum [illegible] Purilienses [illegible] pascuis admittere nequaq[ue] pretendunt, id quod iniquitatem sapit, nec ad co[n]sequentiam tra[hi] [illegible] quia [illegible] ratio [illegible] n[ihi]l ad[illegible] sen[illegible] quamvis ff. d[e] iur. patr[illegible] [illegible] Preterea [illegible] supra [illegible] nit in [illegible] argumento [illegible] posse illos d[ict]o [illegible] [illegible] seri, et [illegible] me prescripsissent, [illegible] [illegible] nitutis depascendi in Contomelli, [illegible] quia non [illegible] [illegible] [illegible] indigentie. Unde [illegible] charitas incipere debet a [illegible] ipsis [illegible] preter [illegible] si no[n] licet. 23. q. 5. [illegible] avaam. Apious [illegible] qui [illegible] illegit [illegible] Bal. in cons. [illegible] col. i. in p[rim]o uol. qui et cons. 312. col. i. vers. med. in 4[o]. uol. dicit [illegible] plus amat se in vngue pedis, q[uam] aliu[m] in uertice capitis. [illegible] d[ict]. [illegible] in. c. i. d[e] supplen. negli. pral. [illegible] c. quiescamus. 42. dist. siue ergo iure co[m]pascui, siue iure [illegible] tionis, siue iure Locationis, siue iure pacti [illegible] Seruitutem [illegible] [illegible] illi d[e] s[an]to Joanne [illegible] Capesmollis [illegible] ad [illegible] [illegible] consortio prohiberi possunt ne deinceps [illegible] Puriliensiu[m], [illegible] Couarru. in. i. lib. uaria. resolu. [illegible] cap. 16. uers[o]. [illegible] d[ict]. [illegible] pascendi post n[umerum] xj. [illegible] [illegible] ipsorum [illegible] illis [illegible] suorum animalium sed an [illegible] mollis sit necessa[ria] [illegible] [illegible] dicta sunt. [illegible] Ad. 9[m]. respondeo ex deductis in. 6[o]. 9[o]. [et] alijs sequentib[us] Puriliensium fundamentis pracipue [illegible] in dicto. 9[o]. [illegible] [illegible] uel certio anni [illegible] nulla d[e] [illegible] [illegible] [illegible] [illegible] hoc casu [illegible] [illegible] addo quod [illegible] una villa pretendit in alterius [illegible] illa seru[itus] [illegible] nequaq[uam], [illegible] dicenda est, quia [illegible] nis simpliciter queritur, sed ipsis uti certi loci incolis: Unde respectu loci magis, q[uam] personarum realis, q[uam] personalis nomine meretur

gta Couarru. in d. lib. i. cap. 10. uariar. resolu. post n. ii. [illegible]
ergo d seruitute iuris pascendi. fol. 331. uol. et [illegible]
[illegible] citat i. cont. res concludens, quod [illegible] hanc seruitutem si
discontinua sit, put hoc casu nō acquiri nisi [illegible]
rabili annorum. Centum. ¶ At x.^m clarescit, si inspiciatur [illegible]
moria continuatis temporibus facta innouationes et [illegible]
ones parte Puriiensium quibus mediantibus constat [illegible]
sua retinuisse necunquam in aliqua parte noluisse [illegible]
uideri. ut [illegible] n. 7. q. 14. Puriiensium [illegible]
quod [illegible] patientia Puri[illegible] [illegible] probatur sed [illegible]
quod licet scientia uideatur [illegible] non est [illegible] patientia quia ex
115. [illegible] scientiae pbatione nō sequitur pbatio patientiae. l. inuitus. ff. d seru. urb.
præd. l. in eo. §. pe. ff. d rit. nup. l. [illegible] §. inuitus. ff. [illegible]
116. [illegible] inde inuitus dicit quis eo [illegible] consensus [illegible] facit [illegible] no.
fo. an. in c. Joannes [illegible] in d. l. inuitus. ff. d seru. urb. præd.
117. [illegible] Præterea renunciatio [illegible] non præsumit quia est [illegible]
d renun. l. si cum aurum. ff. d [illegible] l. cum d indebito. ff. [illegible] nec [illegible]
tiatio inducit nisi constet [illegible] c. sane. [illegible] in d. [illegible] renun.
Deci. in l. si quis iniquum. §. si is [illegible] col. 2. in [illegible]
iur. [illegible] in l. i. col. 5. [illegible] in l. postquam [illegible] cōs. 357. col. [illegible]
¶ Xj.^m quoque futile deprehendit ex eo [illegible] Joanne [illegible]
se in consuetudine, sed in concessione, et licentia Dnorum Comitum, que nullo
118. [illegible] iure [illegible] suffragatur. Præterea ad inducendam consuetudinem requirunt
[illegible] una [illegible] aut una [illegible] in cōs. 24. n.º [illegible] qui [illegible]
[illegible] no. glo. in §. ex non scripto. [illegible]
[illegible] requiritur [illegible] immemorabile. Rom. sing. 102. n. 2.
[illegible] ut inducat [illegible] 215.
[illegible] n.º i. cum seq. [illegible] cōs. in 2.º uol. [illegible] in c. consuetudo. dist. i. [illegible]
[illegible] c. [illegible] in c. fi. d consue. [illegible]
[illegible] possunt, qui possunt statuere. Soc. in cōs. vi. col. [illegible]
in 2.º uol. [illegible] requiritur quod habeat [illegible]
cōtinuum alioquin [illegible] ut tradit Inno. in c. [illegible]
[illegible] casu [illegible] nihil interuenisse, aut uerificari [illegible]
Ergo et consuetudo locum nō habebit, maxime quia cōtrarietas naturali

rationi et equitati, quae suadet neminem falcem imponere debere in messe alienam nec aliena iactura locupletari [illegible] rem quaelibet [illegible] esse [illegible] unicuique [illegible] non tenet ut [illegible] Crau. in cons. [illegible] n.° 3. [illegible] n.° 5. in [illegible] uol. ¶ xiij.[m] [illegible] quando quis in suo quid facit principaliter ad sui comodum et non ad alterius emulationem ut [illegible] iura in contrarium allegata [illegible] quid fit in alieno, ut [illegible] casu [illegible] casus [illegible] posset [illegible] in proprio usus [illegible] suo [illegible] [illegible] faceret tantummodo ad sui comodum id quod sicut [illegible] ita non [illegible] est. ¶ Postremo [illegible] non obstat [illegible] falsum est [illegible] quia [illegible] non possit [illegible] ius servitutis [illegible] aberrat siquidem ex causa [illegible] aliis consimilibus unde sequitur [illegible] ex voluntate [illegible] debet fieri [illegible] necessitate [illegible] nostri voluntati [illegible] voluntatem nostram nec in [illegible] ex [illegible] ius [illegible] [illegible] [illegible] ex causa [illegible] missionis [illegible] [illegible] actus [illegible] ex voluntate [illegible] necessitate [illegible] est [illegible] [illegible] erroneum est [illegible] Bar. contrarium tenuit in [illegible] minore. § [illegible] ff. [illegible] quae [illegible] opi [illegible] Bar. [illegible] in [illegible] uol. [illegible] dicti [illegible] voluntate dependent, [illegible] dependet, sicut [illegible] 2.° [illegible] doctrina [illegible] col. 2 [illegible] servitutis [illegible] in [illegible] 2.° ut [illegible] contra [illegible] [illegible] Bar. in l. quidtamen. § si arbiter. ff. de arbi. [illegible] Alex. in d. cons. 74. Sunt [illegible] dicti [illegible] ut ita dictum fuit [illegible] nihil [illegible] sequitur [illegible] conclusio [illegible] non licet [illegible] immittere [illegible] in fundo alieno, ut [illegible] Alex. in cons. [illegible] n.° [illegible] in 4.° uol. non modo [illegible] [illegible] [illegible] et sunt condemnandi ad interesse [illegible] quod [illegible] est [illegible] secundo [illegible] Ang. [illegible] n.° [illegible] lib. xj. [illegible] [illegible] et ita [illegible] gerer, ego intrepide iudicarem. L. D.

Flaminius de Rubeis iuris [illegible] minimus.

Viso [illegible] [illegible] D. Flaminij [illegible] [illegible]

[illegible]

F

[illegible] ar [illegible] [illegible]
[illegible] p.[illegible] maij. [illegible] fol. 185. t.° [illegible] fol. 186.
ac declaratione. 14. eius dem. fol. 186. t.° ex [illegible]
[illegible] liquido constat, no modo [illegible]
[illegible] Communi. S. Joannis [illegible] licentia [illegible], cum nec ipsos co:
[illegible] [illegible] in [illegible]
[illegible] prata, [illegible] nemine [illegible].
138. [illegible] — [illegible] est quod [illegible]
[illegible] [illegible]
139. [illegible] facere et p[illegible] nec [illegible] alteri ne faciat — [illegible] facere [illegible] publice.
[illegible]
140. [illegible] — ex. [illegible] cum [illegible] §. quod [illegible]
[illegible] act. emp. cu sim. Nec obstat si dicat hac [illegible]
[illegible] esse [illegible] [illegible] parti in [illegible]
141. [illegible] — ex eo quia sicut [illegible] omnia [illegible]
[illegible] [illegible] [illegible]
[illegible] — [illegible] [illegible] [illegible] in po.
142. [illegible] — [illegible] quodcumque [illegible]
[illegible] in d. l. [illegible] in. 2.° [illegible] col. 3. [illegible]
[illegible] in [illegible] Bal. in l. uni. co.
[illegible]
sub [illegible]
[illegible] — [illegible] quod in [illegible]
[illegible] instru. [illegible] Par. [illegible]
in [illegible] §. lib. xi. 2. D.
dem qui supra flaminius et Rancis Dec.

[illegible] magdalene [illegible]

[illegible]

[illegible] diuine [illegible]

[illegible] ciuare [illegible]

[illegible] apr. cos. 85. n° [illegible]

una [illegible] ut ius in loca ubi uigere statutu seruandu esse. l. omnes populi. [illegible]

uestri. et [illegible] sed Magdal[illegible]

[illegible]

[illegible] in [illegible] feli. n° 6 [illegible]

[illegible] eius patrem [illegible]

[illegible] intestatum admittenda ex iii lie[illegible]

[illegible] quia [illegible] se filiam legitimam et naturalem [illegible]

[illegible] 21. [illegible] 22 [illegible]

[illegible] filia [illegible]

[illegible] l. exceptione [illegible]

[illegible] Magdalena [illegible]

[illegible] haue [illegible] patris [illegible] obiectu [illegible]

[illegible] id bonis [illegible]

[illegible] cognati [illegible] [illegible] i. cui cum [illegible] [illegible] [illegible] dispositionis adattenui possit. l. iiii. §. [illegible] [illegible] [illegible] ont facere [illegible] utique [illegible] sed voluit, [illegible] [illegible] dixit. ff. de acqui. heredi. [illegible] ad [illegible] [illegible] [illegible]

C. de transac. l. i. §. [illegible] ff. de inoffi. testa. [illegible] tex. est [illegible] [illegible] [illegible] C. [illegible] [illegible] transmittitur. [illegible] [illegible] §. [illegible] in l. si quis filiu. in. 2a [illegible] de inoffi. testa. [illegible]

[illegible]

transmittitur, et supra deducta, maxime [illegible]

ut supra. Faciat et aliud. [illegible]

[illegible]

[illegible]

[illegible] ideo [illegible]

[illegible]

quod aut [illegible] omnis [illegible] sicut [illegible] dictis [illegible]

[illegible]

[illegible] Consuetudine [illegible]

[illegible]

que [illegible] colucas. [illegible] cis. [illegible]
[illegible] consuetudine quod [illegible] quod solemniter [illegible]
iure communi non interveniendo. [illegible] passim [illegible]
[illegible] statutum [illegible] communi
[illegible] fuit, nullo [illegible] unius communis [illegible]
[illegible] iure communi sit [illegible] statuta [illegible]
[illegible] consanguinitate [illegible]
[illegible] consuetudinis et equitatis [illegible]
in statuti [illegible] gratia [illegible] sunt accipienda
[illegible] in omni casu [illegible] assignari [illegible] ex. in
[illegible] statutum ita sunt intelligenda
[illegible] ius commune [illegible] l. si quando. ff. de leg. i. § si [illegible]
[illegible] l. ij. [illegible] usucapio. [illegible] ubi statutum [illegible]
[illegible]
[illegible] posita non [illegible] ius a quo est [illegible]

[illegible] duos [illegible]

[illegible] ex loco [illegible]

[illegible]
[illegible] ex. & conscrip. col. 3. n°. 8. Cuma. cons. 159. in fi. 2. col. Fulg. in
[illegible]
9°. uol. & conse. 106. col. 4. cc°. fi. in 2°. uol. Succedit modo
[illegible]
uide in [illegible]
[illegible]
Et in hoc quidem [illegible] indubitanter [illegible] nil premis [illegible] asserto in
quo, seu statuto, et [illegible] Ciuitatibus [illegible] 26. [illegible]
[illegible] 20. [illegible]
[illegible] est semper [illegible] loci ubi res sita est attendenda [illegible]
[illegible]
[illegible]
[illegible] lib. x°. sed res [illegible] uirtute [illegible] sunt in [illegible]
[illegible]
[illegible]
[illegible]
[illegible] distinct [illegible], nam si loquitur in personam [illegible] personas,
[illegible] localiter, non modo non extendentur ad bona [illegible] territorij [illegible]
[illegible] bona loci [illegible]
[illegible] modo [illegible] personas [illegible]
[illegible]
[illegible]
[illegible] doc. explicata. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 67. Et [illegible] Cran. in cons. 271. n°. 1. col. 2. Quinimmo Anch. in [illegible]
[illegible] statuta [illegible] plus dixit, quod [illegible]
in [illegible] sive in personam loquatur indultum [illegible]
[illegible] territorio statutorum et [illegible] indultum [illegible] et sic iste [illegible]
[illegible] casus noster quia asserit litere, seu indultum loquitur [illegible]
[illegible]
[illegible]
bona, que [illegible] sunt in territorio Ciuitatis [illegible] hoc [illegible]
nec in [illegible]
[illegible] ad personas [illegible]
nulla [illegible]

[illegible] quoniam dicitur [illegible] De bon[illegible]

[illegible] incaliteris [illegible]

[illegible] kal. 30. usque ad [illegible] 4. [illegible] paruitur [illegible]

[illegible] dicunt eos. Jas. [illegible]

[illegible] non credidit [illegible] quod [illegible] fuisse [illegible]

[illegible] et iugulatum. [illegible]

[illegible] edicunt [illegible]

iudicibus liguit mulierem, non obstare quod [illegible] dis[illegible] Ciuidati [illegible]

[illegible] Ciuitatis [illegible]

danatis, et iudici ad uelim[illegible] extra territorium Ciuidati [illegible]

[illegible] 48. [illegible]

[illegible] tantum [illegible]

[illegible] interim [illegible]

[illegible]

[illegible] tamen [illegible]

[illegible]

dato habueri[illegible] aliquot annos domicilium in uilla noua [illegible]

[illegible] districtu Ciuidati, nihilominus, originat[illegible]

[illegible] subditus Cl.mo [illegible] Zoc. quia oriunda [illegible]

dam et uilla noua [illegible] sequitur [illegible], quod [illegible]

non domicilij [illegible] sicuti in simili dixerit [illegible]

quod [illegible] succedere, tamen [illegible] non habet locum [illegible]

originis, quia non dicitur [illegible]

[illegible] dixit [illegible] l. ad municip. Bal. et Alex. in [illegible]

[illegible] iurisdic. om. iudi. Bal. in [illegible] sol. ma. et in l. i. [illegible] iurisdic. om.

iudi. [illegible] col. fi. et spons. [illegible]

[illegible] quod dixit [illegible] absens [illegible] col. fi.

[illegible] Ciuitatis, non tenetur [illegible]

[illegible] nisi quo ad bona, que ibi habet. [illegible]

[illegible]

[illegible] in contractibus [illegible]

[illegible] et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] C. [illegible] et alij [illegible]
[illegible] in locis. et [illegible] [illegible] quid [illegible] [illegible] loquendo [illegible]
[illegible] [illegible] [illegible] accomoda [illegible] [illegible] accomoda quia [illegible] [illegible]
dicere [illegible] [illegible] [illegible] [illegible] [illegible]
C. qui admit. Posset circa hunc articulum dubitari et alia [illegible]
[illegible] [illegible] [illegible]
superfluum esset ulterius dubitare ideo non [illegible] [illegible]
aliud [illegible] quoniam [illegible] [illegible] [illegible] [illegible]
quid ipsa [illegible] sed [illegible] alio [illegible]
fuisset suppositum unde cum [illegible] [illegible] suum [illegible]
bantum [illegible] et cum [illegible] [illegible] [illegible] videtur quod [illegible]
[illegible] causa [illegible] in loco [illegible] commissa et [illegible]
[illegible] Sed et [illegible] [illegible] facillime [illegible]
[illegible] [illegible] [illegible] iuxta [illegible]
[illegible]
[illegible] [illegible] circa [illegible] immemor [illegible]
[illegible] [illegible] maxime [illegible]
[illegible] [illegible] quod [illegible] magno [illegible] vix [illegible] [illegible]
[illegible] Bar. in [illegible] in contractibus. §. illo [illegible] C. [illegible]
[illegible] propterea quod [illegible] Magdalene [illegible] maxime [illegible]
[illegible] [illegible] sed [illegible] [illegible]
[illegible] [illegible] habente [illegible] l. ij. [illegible]
[illegible] [illegible] et [illegible] tamen [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] alioqui [illegible] non modo [illegible] qui [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] dist. [illegible] lib. 2. [illegible] 42. et Cic. in. 2. Piso. pagel. 97. [illegible]
[illegible] exemplum non absimile [illegible] [illegible] gel. noc. attic. lib. 7. cap. 18. [illegible]
[illegible] quod [illegible] Tubingae [illegible] ex [illegible] vel statuti dispositione
[illegible] [illegible]
[illegible] ex noxa. [illegible] agat. Bal. et Sali. [illegible]
[illegible] col. 2. [illegible] [illegible]
[illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Ro. [illegible]
[illegible] et in. l. ij. C. [illegible]
[illegible] alij passim alijs in locis, [illegible]
[illegible] [illegible]

[illegible]

... expedire & premium ...

... [illegible] ... Cum dicitur ... Faciat [illegible] aliud ...

... [illegible] ... praeiudicare ...

... [illegible] ... nec co[illegible] plurum ...

... sciencium. Quod duo eiusmodi co[illegible] ex superdictis non ...

... cum [illegible] mobilio ...

... ex premissis ... in hoc articulo ...

... fol. 48. ... 52. ...

... ita actrix [illegible] ... mulierem ...

... actricis ...

mortua adme ...

[illegible]

[illegible] Mag.[cor] et ill.[di] DD. [illegible], et im
[illegible] à [illegible] Communi Clauzeti
[illegible] Mag.[ci] et ill.[es] DD. Urbanus, et
[illegible] principalem
[illegible]
[illegible] clariori resolutioni, et cauta enucleationi [illegible]

fundaverint [illegible] communis Communi Clauzeti [illegible]
[illegible] confirmandus, [illegible] videtur [illegible]
ipsos actores [illegible] fundasse [illegible] confirmandi [illegible]
[illegible] communi Clauzeti [illegible] diebus
Junij [illegible] notis [illegible] Jac. [illegible] not. [illegible]
[illegible] publicum instrumentum, [illegible]
Bal. in l. [illegible] hered. [illegible]
[illegible] quotiens in [illegible]
[illegible] discutiendum [illegible]
[illegible] nihil [illegible] notoria [illegible]
[illegible] multa Tiraquel. [illegible] n.° 20. [illegible]
[illegible] 305. [illegible]
[illegible] actoribus est partita illa [illegible] 1475. [illegible] comm
[illegible]
[illegible] Clauzeti, [illegible] quia [illegible]
Commune [illegible] 26. novembris [illegible] homin [illegible]
[illegible] habet [illegible]
[illegible]

[illegible] testimonium [illegible]
approbatione mediante [illegible] ad id [illegible]
cum omni [illegible] Bal. in cons. 349. n.° 5. in [illegible]
n.° 1. vol. 5. Soci. cons. 97. n.° 19. vol. 4.° [illegible]
partita [illegible] commune Clauzeti [illegible]
[illegible] sententia, [illegible]
[illegible] partita [illegible]
[illegible] consuetudine [illegible]
[illegible]
[illegible]
[illegible] dominij [illegible] se habet [illegible]

[illegible] accipiat [illegible] contractu distat a contractu livellario, vel emphiteutico [illegible] l. [illegible] C. [illegible] Jas. in l. ij. §. [illegible] ff. [illegible]
[illegible] diversitas [illegible] nomina livelli et emphiteusis in hac diversitate [illegible] a nomine [illegible] et [illegible] omnia [illegible] esse accipiendum l. [illegible] l. ij. §. hec verba [illegible] Bar. [illegible] in l. [illegible] et demon. col. [illegible] et l. [illegible] aliter [illegible] in dubio [illegible] fuit [illegible] in dubio [illegible] locatio presumitur potius annua, [illegible] Bal. in [illegible] Jas. et doc. in l. ij. in glo. super verbo Revellere. C. de [illegible] in [illegible] vol. Bar. cons. 14. col. xi. [illegible] parte faciunt [illegible] Castri novi a 1532. usque 1537. [illegible] Lauren [illegible] solvere Castronovo [illegible] 1361 [illegible] fol. 68. [illegible] 60. [illegible] esse actum [illegible] locationis [illegible] Bal. in l. ad [illegible] C. loca. in 2o not. [illegible] annorum facta. id quod [illegible] in 1499. [illegible] fol. 17. [illegible] in qua [illegible] communi [illegible] in anno [illegible] solutionibus [illegible] longissimi temporis [illegible] Castri novi, quorum [illegible] titulo et possessione [illegible] a [illegible] examinator. in 1317. fol. 20. [illegible] Castro novo habebat in Chiaughianis [illegible] in dictione [illegible] fol. 24. [illegible] 25. dictum [illegible] cum alio [illegible] ecclesie [illegible] anima sua. [illegible] Ragonia [illegible] in [illegible] chiaughianis, [illegible] in Cosa, [illegible] finium [illegible] sione ex eo [illegible] 26. Comitis [illegible] successive ecclesie [illegible] ex causa [illegible] mutationis, [illegible] Comitis [illegible] 1477. [illegible] fol. 27. [illegible] 1410. fol. [illegible] qua [illegible]

[illegible] quod mons et Chianfiani spectet Comuni [illegible] ex [illegible]
[illegible] cu[m] eccl[esi]a et [illegible]. id quod fortificat [illegible] testiu[m]
examinatorum [illegible] [illegible] [illegible] [illegible]
[illegible]
[illegible] in dominio et possessione, et sic [illegible] et dominio et [illegible]
[illegible] de possessione [illegible] coloni [illegible] ex locatione [illegible]
[illegible] 1475. et [illegible]. [illegible] ex locatione 1503. fo. 57. ex actu [illegible]
12. maij. sive petitione contra D. Sanoignanos [illegible] ac ex [illegible]
et 4°. [illegible] testium [illegible] examinatorum [illegible]
D. Sanoignanos [illegible]. ex quibus apparet [illegible] Castri noui [illegible] libere
[illegible] dictu[m] locu[m] et Chianfiani [illegible]
[illegible] eor[um] [illegible] et pacifice possederunt [illegible]
[illegible] et eor[um] [illegible] [illegible] homi-
nibus Castri noui. et sic ex his [illegible] possessione constat [illegible]
[illegible] ut deducit [illegible] cons. 325. n°. [illegible]
[illegible] Alex. cons. 112. n°. 1. [illegible] 77. n°. 1. in 6°. uol. [illegible]
[illegible] solutione [illegible]
[illegible] dominium et possessione [illegible]
quae tradit Alex. in d. cons. 37. [illegible] n°. 2. 3. [illegible]
[illegible] similiter [illegible] n°. 30. 31. [illegible]
Bal. in l. [illegible]
[illegible] consi. lib. xi. in c. [illegible]
[illegible] n°. 17. [illegible] Alex. in l. ad [illegible]
[illegible] n°. 3. [illegible] cons. x. n°. 3. [illegible]
[illegible]
[illegible] cons. 187. col. 4. [illegible] maxime cons. 206. col. 6 [illegible] in 2° uol.
[illegible] cons. 185. n°. 4. in 3° uol. cons. 211. [illegible] cons. [illegible]
in 4° uol. cons. [illegible] n°. [illegible] 2° uol. [illegible]
[illegible] Rom. [illegible]
[illegible]
[illegible]
[illegible] Sanoignanos [illegible]
[illegible] sufficiunt [illegible]
alia adminicula non [illegible] quae tradit Anch. in cons. 213.
n°. 4. [illegible] iusta [illegible] legitima existere. ut apud Alex. cons. 192.
n°. 2. in 2° uol. Abb. in c. ueniens. n°. 31. et [illegible] Corn. cons. 12.
n°. 31. in 2° uol. [illegible] in cons. 64. n°. 32. Crau. cons. 150. n°. 5.
P[illegible] alijs, quae fortassis in contrarium adduci possent mi-
nime obstantibus, [illegible] non obstant, diuersa omnino mihi
magis placet, ut [illegible] Mag[illegible] Sanoignanos [illegible]
[illegible] confirmata Communis Claveti [illegible]

[illegible] quod comeatus fuit datus [illegible] anni [illegible]
[illegible] nullius [illegible]
[illegible] constitut. prīa ȝ temp. [illegible] nu. 70. ubi dat. [illegible]
[illegible] [illegible] causa, quibus [illegible] fuit
[illegible] actor in expensis est condemnandus. In casu autem isto non
modo menses 8. sed quatuor anni 8. [illegible] lapsi sunt ergo [illegible]
[illegible] act[illegible] expensis sunt condemnandi, [illegible]
[illegible]

2º constitutio [illegible] sub [illegible] ibi [illegible] temp. quo massa [illegible] induxit forma,
quod [illegible] excellen[illegible] [illegible] illu[illegible] [illegible] die augusti,
usque ad 15. eiusdem mensis [illegible] comeatus. In casu autem
isto non constat comeatum fuisse [illegible] tempore factum, imo [illegible]
ut ex [illegible] ipso comeatu sub die [illegible] ut in [illegible]
[illegible] comeatus [illegible], et eadem forma constitutionis [illegible]
[illegible] non [illegible] statutum disponit, et postea annullat, si non [illegible]
[illegible] [illegible] iure non tenet. C. [illegible] loc. [illegible]
[illegible] C. de [illegible] l. [illegible] §. ex [illegible] §. [illegible]
[illegible] C. qui testam. fac. poss. l. [illegible] C. de [illegible] l. 1. §. cum qui. ff. [illegible]
[illegible]
[illegible] codicil. l. [illegible] §. illud. C. de codicil. [illegible]
[illegible] Bar. in l. non dubium [illegible]
[illegible] Bal. in [illegible] C. de [illegible] Alex. cons. 24. [illegible]
4. vol. Bal. Cast. Imo. Alex. [illegible] et [illegible] in d. l. hac consultiss. [illegible]
[illegible] in c. 2. de testi. et in d. l. hac consultiss. ubi et Rom. et [illegible]
[illegible]
[illegible] clausula annullatoria [illegible] non [illegible]
[illegible] non [illegible] dispositione [illegible] qui [illegible]
[illegible] sunt. [illegible] in d. l. non dubium in 3. no. et Bal. et [illegible] in [illegible]
[illegible] Alex. [illegible] Iac. [illegible]
Paris. cons. [illegible] nº. 187. in 2. vol. Alex. cons. 24. [illegible]
[illegible] cons. 30. [illegible]
[illegible] favorabilis non tenent forma illa non servata [illegible]
[illegible] repertatur. nº. 67. C. de [illegible]
[illegible] forma legis non servata aliquid
[illegible] C. de sacros. eccle. [illegible] C. de [illegible]
[illegible] forma [illegible] utilitate [illegible]
Cast. in l. [illegible] causa. nº. 3. C. de [illegible] nimirum [illegible]
non [illegible] statuti [illegible]
cons. 142. [illegible] Calca. cons. 7. col. 4. [illegible] cons. 251. [illegible]
§. [illegible] C. de [illegible] [illegible]
[illegible] nº. [illegible] fol. [illegible] forma statuti [illegible] illius substantia [illegible]
forma [illegible]
[illegible]

[illegible] in mo [illegible]

[illegible] ibem [illegible] formo [illegible] affirmare [illegible]

[illegible] et ulterius [illegible] in [illegible] vim [illegible]

[illegible]

[illegible] in illis locis [illegible] dominij haben, sed [illegible]

vendi sua [illegible] non [illegible] potuerint.

[illegible] fol. [illegible] fol. 8. [illegible] fidem [illegible] a memoria hominum [illegible] examinatos [illegible] quae omittitur [illegible] ipsa [illegible] locationis esse [illegible] hoc deludi [illegible] longissima et immemorabili possessione [illegible] ipsum dominium [illegible] immemorabilis possessio [illegible] ducens [illegible] Fulg. in cons. 221 [illegible] cons. 107 n.º 1 [illegible] col. 2. Corn. [illegible] n.º 2. col. 4. [illegible] n.º 12 [illegible] 140. n.º 4 [illegible] Bald. cons. 37. col. 3. Rip. [illegible] nobis n.º 10 [illegible] Socin. in cons. [illegible] col. [illegible] doc. [illegible] fol. 107 [illegible] suum facit bonam fidem [illegible] Corn. cons. 121 [illegible] n.º 2 [illegible] 147. n.º 12 [illegible] cons. 102 n.º 2 [illegible] col. [illegible] tempore [illegible] teria n.º 10 [illegible] fol. 509 [illegible] immemorabilis possessionis [illegible] deluditur [illegible] Corn. cons. 121 [illegible] n.º 2. col. [illegible] n.º [illegible] cons. 150 n.º 5 [illegible] in quo [illegible] vitiosus [illegible] malae [illegible] 30. vel 40. an. [illegible] Thomasia [illegible] Quia [illegible] respondit [illegible]

[illegible] non autem possessione [illegible] circiter. 300. [illegible] illi [illegible] examinati in 1445. [illegible] n.º 20. [illegible] in fol. 27. [illegible] 42 [illegible] 30 [illegible] hominum memoria [illegible] in [illegible] 1441 [illegible] fol. 29 [illegible] fol. 30 [illegible]

[illegible] ratione ad [illegible] tempus. Sicut [illegible]

[illegible]

[illegible] ad longum tempus, puta 30 annorum [illegible] quod tali casu non praescribitur [illegible]

[illegible]

[illegible]

licet colonus nunquam praescribat rem [illegible] dominorum, tamen si continuavit in [illegible] ratione illa modici temporis [illegible] 30. 40. et plures annos solvendo [illegible] pensionem [illegible] colonia perpetua, ut perpetuus colonus dicatur [illegible]

[illegible] dicta [illegible] 75. et [illegible] ad modicum tempus [illegible] ad praescribendum non, [illegible] sed ius colonie perpetue [illegible]

[illegible] perpetue colonia [illegible] temporis, hoc est 100. 200. et plurium annorum [illegible]

est communis sine acquisitione huius iuris [illegible]

[illegible] Bal. Ang. Alex. [illegible]

[illegible]

[illegible] tempus, et [illegible] Bal. Ang. et Alex. [illegible]

[illegible] colonia [illegible]

[illegible] videtur per multis annis ex illo pacto renovandi, quod facit illam [illegible] unicam locationem [illegible] Bal. credimus [illegible] quia unus fuit [illegible] annorum [illegible] tempore [illegible] annorum [illegible] fuit [illegible] renovandi [illegible] idem est [illegible] plura [illegible]

[illegible] dona. cau. mor. [illegible] verborum cautela fieri, ut [illegible] plura [illegible]

[illegible] sermonis [illegible] et divisibilis [illegible] plures [illegible]
per ann. [illegible] totum [illegible] [illegible] quod [illegible]
[illegible]
[illegible] pluribus annis [illegible] locatio. [illegible]
[illegible] n.° ii. [illegible]
[illegible]
[illegible] locatione ad [illegible]
[illegible] si in casu [illegible] volumus [illegible]
[illegible] ad longum tempus [illegible]
alia [illegible] solutionem [illegible] habet quod locatio ad longum tempus [illegible]
[illegible] dominium utile transfert. [illegible]
[illegible]
Cons. 122. col. 2. [illegible] fulg. cons. 240. in prin.
idem [illegible] n.° 3. [illegible]
[illegible] n.° 2. [illegible] n.° 7. [illegible]
[illegible] n.° 4. [illegible]
3.° col. transfert [illegible] dicta locatio longi temporis [illegible] dominium [illegible]
possessionem Alex. in l. [illegible] n.° 11. [illegible] cons. [illegible]
n.° 8. in 4.° col. [illegible] 40 [illegible] adducit
multa Tiraquel. [illegible] glo. 14. [illegible]
[illegible] n.° 79. [illegible] n.° 50. [illegible]
[illegible] tradit multa. Nec mirum [illegible] locatio [illegible]
[illegible] dominium [illegible] alienatio [illegible]
[illegible] Corn. cons. 293. [illegible]
cons. 202. n.° 4. col. 3.° Alex. in [illegible] filio familias
[illegible] n.° 23. [illegible]
[illegible] cons. 101. n.° 1. [illegible] 4. [illegible] 2.° col. [illegible]
[illegible] differt talis locatio [illegible] Corn. cons. 169.
n.° 3. in 1.° col. fulg. cons. 240. [illegible] cons. 30. in 4. col.
[illegible] Tiraquel. [illegible] glo. 14. n.° 84. [illegible]
longum tempus dicitur [illegible] Alex. in l. [illegible]
[illegible] n.° 1. [illegible]
[illegible] n.° 9. [illegible] poss. [illegible] multis [illegible]
[illegible]
[illegible] Statuitur [illegible] quia loc.° ad
longum tempus [illegible] utile dominium ac possessionem, locatio
vero [illegible] si 30. vel 40. anni effluxerint [illegible]
[illegible] transfert [illegible] utile [illegible]
[illegible] 30. annos vel 40. [illegible]
[illegible] licitam [illegible]
[illegible] dicta [illegible] Laurenti [illegible]

[illegible]

[illegible] tita [illegible] Savorgnanos [illegible] [illegible] in part [illegible] [illegible]

[illegible] et sic [illegible] Savorgnanis [illegible] ut Savorg[illegible] [illegible] Hoc [illegible] omnia [illegible] fol. [illegible] [illegible] fol. [illegible] 1401 [illegible] 17 [illegible] 1503 fol. 17 [illegible] 1353 fol. 23 [illegible] testes examinati in 1317 fol. 24 [illegible] 1339 fol. 25 [illegible] 1444 [illegible] et testes multi hincinde in causa examinati. Modo sic dico, quod [illegible] principio [illegible] qui 30 vel 40 annis possedit [illegible] [illegible] et [illegible] possessor [illegible] et preiudicia [illegible] appellantur [illegible] alex[illegible] fuerit exhibit[illegible] [illegible] [illegible] [illegible] dispositione [illegible] Quod in [illegible] [illegible] [illegible] in [illegible] [illegible] xi [illegible] 80 [illegible] Bes. et [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fuit [illegible] [illegible] [illegible] et locatio sit [illegible] utilis [illegible] [illegible] inde dictum fuit [illegible] ex causa [illegible] utilis [illegible] [illegible] Goritie [illegible]

[illegible]

res in similibus sapientissima iudicarer a [illegible] Venetis, quod coloni qui .30. vel .40. annis [illegible] bona aliena [illegible] [illegible] expelli possint: [illegible] quid [illegible] iudicarer [illegible] [illegible] quod animadvertendum est quod locus et [illegible] [illegible] [illegible] nove [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sit si [illegible] Savoranensis [illegible] [illegible] Comune Clauzeti [illegible] mediate [illegible] [illegible] [illegible] recognoscitur [illegible] principis, quia [illegible] alias cum [illegible] [illegible] [illegible] Austriae comitatum Goritiae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et chiaudianis [illegible] quod et damno [illegible] [illegible] [illegible] et [illegible] munis Clauzeti [illegible] [illegible] principi immediate subiectis.

5° [illegible] in [illegible] locationis. [illegible] alias al[illegible] [illegible] inferius dicetur, habet verba eiusmodi: quod locus et chiaudianis [illegible] Castro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Comune Clauzeti [illegible] [illegible] [illegible] [illegible] alterum l. [illegible] praetor [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] locationis [illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Comune [illegible] [illegible] [illegible] simplicis [illegible] [illegible] in l. male agitur C. de [illegible] 30. vel 40. ann. [illegible] [illegible] ductionis [illegible] C. locat. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod expelli minime [illegible], [illegible] ex [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] in [illegible] [illegible] in quo videtur [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] a mdv.

6° dato, sine praeiudicio veritatis, quod vero [illegible] prima [illegible] 1475. [illegible] in [illegible] [illegible] adhuc stante [illegible] uniformi, [illegible] [illegible] [illegible] [illegible] et modicitate pensionis, dicendum tamen ipsa [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Contra [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tum [illegible] [illegible] a [illegible] [illegible] ad quod est tex. in l. si uno anno in prin. ff. loca. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de praescrip. verb. l. singularum ff. de usur. [illegible] in terminis [illegible] [illegible] consangui. § i. glo. 14. in verbo, aut aequipollentem redditioni n° 87. fol. 101. multa [illegible] [illegible], quod licet partes [illegible] verbo locationis et conductionis, non tamen locatio et conductio est [illegible] [illegible], et effectus [illegible] non est locationis, sed donationis [illegible] ditionis, aut alterius [illegible], idquod multis [illegible] autoritatibus [illegible] [illegible] [illegible] [illegible] co. [illegible] § 37. in [illegible] [illegible] n° 33. [illegible] sequ. fol. 210. [illegible] Bal. in l. ij. [illegible] sed iuxta hoc [illegible] et in sub.

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[illegible] insola [illegible] cortex [illegible] contractus [illegible]

[illegible] quod simul [illegible]

[illegible] nominatur [illegible]

[illegible] Covarru. Variar. resolu. lib. 2° cap. 4. fol. 444 [illegible]

[illegible] simulatione [illegible]

[illegible] illa [illegible]

[illegible] 2° [illegible] possessionis [illegible]

[illegible] locationis [illegible] emphiteuticis [illegible]

[illegible] ad [illegible] Bal. Ang. [illegible] Alberi. [illegible]

[illegible] simulationem [illegible]

[illegible] Bart. in l. 8. n. 4°. [illegible] 3° [illegible]

[illegible] in possessione [illegible] locationes [illegible] longissime [illegible] immemorialis possessio [illegible]

[illegible] locationis [illegible] magis [illegible]

[illegible] arg. l. [illegible] contractum ubi Bar. ff. de dona. [illegible]

[illegible] Bar. in l. 64. [illegible]

[illegible] de elec. l. 1. in glo. C. de mendic. [illegible] eccle. benefi. 5°. praesumitur simulata dicta locatio eo, quod facta [illegible] simulatus [illegible] contractus in [illegible] l. data [illegible] C. de dona. [illegible] Bal. [illegible] n. 4°. [illegible]

[illegible] locationis [illegible] dominum et subditos [illegible]

[illegible] 1475 [illegible]

[illegible] ex dimandi [illegible] ad quam [illegible] id, quod [illegible] innominato contractu dicitur, ut [illegible] contractus assumat cui magis assimilatur. ut apud Roma. [illegible] 236. n°. [illegible] contractus fol. 124. [illegible]

[illegible] Bal. in c. [illegible] si vero locatio est [illegible]

et pensio modica, [illegible] contractus emphiteoticarius [illegible] nisi sit [illegible] locationis. In casu autem isto, et presumi esse locationem supra ex [illegible] demonstratum, et quod [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] indicat [illegible] [illegible] loci [illegible] [illegible] [illegible] [illegible] reddutio [illegible]. Si enim esset instrumentum ipsum, quod negatur, [illegible] facta [illegible] domini, sed directi tantum, quia conductio rei propria non [illegible] l. [illegible] C. loca. [illegible] [illegible] juris quod abest, ut probat [illegible] Tiraquel. de [illegible] conventionum [illegible] glo. uni. n°. 46. fol. 277. co. Nec his obstat, quod instrumentum [illegible], et [illegible] in [illegible] [illegible] [illegible]. [illegible] aliquo casu non possit probari contra instrumentum [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] in l. [illegible] §. quod [illegible]. ff. de [illegible] ubi [illegible] Bal. et Ang. [illegible] et [illegible] ad id respondet Barb. in [illegible] [illegible] col. 5. in. 4°. not. In casu autem [illegible] tot [illegible] [illegible] [illegible], [illegible] arguunt contractum ipsum non locationis, sed emphiteoticum esse, [illegible] [illegible] [illegible] [illegible] talis [illegible] [illegible] maxime difficilis [illegible] [illegible] [illegible] [illegible] simulationis [illegible], eo quod [illegible] dicit Anch. in cons. 243. Et vix [illegible] [illegible] [illegible] tot fraudes [illegible] [illegible] [illegible] usur. Et quo plus cautelam adhibuerit [illegible], eo plus fraudis [illegible] [illegible] Bal. in l. [illegible] C. plus [illegible] quod [illegible] glo. in l. si quis sub conditione. ff. de condi. instit. l. cum allii. C. de usur. glo. in c. significavit. de censi. cum sim.

Ad contraria hoc pacto, si non cavillatur, [illegible] [illegible] [illegible].

(1.) Primum namque non obstat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] contraria [illegible] [illegible] [illegible] [illegible] anni 1475. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] instrumentum [illegible]. Ipsa namque [illegible] [illegible] [illegible] [illegible] [illegible] adhuc ignotum est. [illegible] [illegible], [illegible] ex [illegible] non [illegible], et tamen iudex ex [illegible] [illegible] et [illegible] iudicem [illegible] l. [illegible] §. [illegible] ff. de [illegible] [illegible]. Est itaque [illegible] scriptura, [illegible] non probat. l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] locationem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] locatio [illegible] [illegible] [illegible] [illegible] translativa [illegible] utilis dominii [illegible] [illegible] [illegible] [illegible] [illegible] commune posse [illegible], ut [illegible] [illegible] [illegible] demonstratum. Nec omittitur, quod negat commune se [illegible] [illegible] [illegible] [illegible], et ista [illegible] [illegible] non [illegible], cum de [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

.. aumsere. ... edem. l. ij. ff. ... ... in prin. Hec illa in ...
quicq; dixit. ... ...
... act. indi. ... ... vt. 48. ... ... doc. ... quod acta
... ... C. ... si. ... Bal. in l.
acta. vers. ... nunquid acta. ... ... Et notandum est, quod in ...
... in quacunque causa fit actus ... ...
... ... nullus ... ... actus ... ...
... a ... dicta partita ... ...
sequitur in ... illa fidei ... ... si ... ...
eden. ... ...
... actus ... ...
... Bal. in l. ... in arbitris. col. ... ... Tanto ... minus ...
... fidei datur in ... ...
... ... glo. in l. illud. in verbo actor. ... ...
... ubi Bal. col. ... in fi. vers. ... ... glo. in l. acta. ff. ...
nec sufficit ... ...
... ... arbi. l. i. C. ... ... offi. ... ... in l. ...
... ... Requiritur ... quod acta
scribantur ... commissione iudicis ... ... l. ij. C. ... eden.
... col. i. nº. 4. ... ... quoniam contra ... Bal. in auc. ...
... col. i. C. ... ... Imo ut ... acta dicantur. ...
... ...
partibus ... ... doc. ... l. ij. ...
... quoniam contra ... ...
... apud Roc. maran. ... ordi. iudi. par. 6. tit. ... acto. ... char.
... usq; 197. ubi ... ...
... ... ipsa ... facta ... ...
... Porro quod dicta partita habeat ... ...
... quia ... ...
... ...
... ... quod ... facta ... ...
habentibus auctoritatem ... ...
... ...
fecerunt ... quod ostendatur illos ad id quod asserunt mandatum
habuisse legitimum ... potestas ... omnis ... ...
mandato ... ... mand. ...
... ...
... ...
... ... principalium ... ...
... ... tex. in l. ex causa ... ...
... ...
... ueniens ex iure naturali, ut in clem. pastoralis. ... ubi Card.

... non obligant ... ...

anch. [illegible] alij. et [illegible] indi. Jo. and. in c. [illegible] venerabilem [illegible]
nullus alieno facto est pregrauandus [illegible]
[illegible] l. 3. ff. sol. ma. [illegible] quod nim. ff. [illegible] ing. iur. [illegible] multa [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad illius validitatem. 2° quod fuerunt syndici constituti in plena vicinia. 3° quod vicinia fuerit conuocata iussu superioris vel potestatis. 4° quod [illegible] 5° [illegible]
[illegible] interuenerint. 6° quod singulorum [illegible] nomina [illegible]
7° quod syndici [illegible]
[illegible] lib. x. [illegible]
[illegible] quod [illegible] indi.
col. i. ubi Bal. in addi. [illegible] 2° [illegible] in c. ij. et [illegible] no. [illegible]
[illegible]
Bar. in l. [illegible] lib. x. Deci. cs. [illegible]
l. ij. C. de [illegible] lib. x. et [illegible]
[illegible] Bar. [illegible]
ff. [illegible] syndic.
in [illegible] syndi. [illegible] quod vniuersitas. [illegible]
[illegible] lib. x.
Soci. cs. [illegible] col. 3. vol. [illegible] cs. 174. n° [illegible]
[illegible] ut tradit Anch. in cs. 341. n° [illegible]
quod [illegible]
[illegible] l. nulli [illegible] l. plane. ff. quod cuiusque vniuersit. [illegible]
[illegible]
400 n° [illegible] Bal. in [illegible] n° 5. [illegible]
[illegible] n° 7. et 7. [illegible]
in 3° vol. [illegible] omnes n° ii. et [illegible]
[illegible] in c. [illegible] n° 1. 2. 4. et [illegible] Deci. in d. c. [illegible]
n° 51. ubi n° [illegible] 46. [illegible] homines [illegible]
[illegible] omnes [illegible] n° 10. et
[illegible] cs. 174. n° ii. [illegible]
[illegible] vniuersitate [illegible]
[illegible] n° [illegible]
[illegible] in executione. Anch. [illegible]
[illegible] Mars. sing. 171. [illegible]
[illegible] syndicum [illegible]
mandatum [illegible] syndicum [illegible]
[illegible] cum clauseramis [illegible] syndicatum [illegible]
[illegible] hominum sui communis [illegible]
[illegible] vocari viciniam, quae [illegible] hominibus [illegible]

7

qua itaq. fiterentur [illegible] [illegible] [illegible] Sanctorum
[illegible] collegi [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] ultra. 200. [illegible] [illegible]
[illegible] [illegible] ultra. 200. [illegible] [illegible]. Sed [illegible]
[illegible] ad exclusionem [illegible] [illegible] 6.a [illegible] in l. nominationum. C. de [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] l. [illegible]
C. [illegible] 20. lib. quod in instrumento exprimi debet quod maior pars [illegible]
[illegible] [illegible] constitutione syndicorum. Quod [illegible] [illegible] [illegible]
[illegible] qui [illegible] constituunt, Bar. tradit in [illegible] [illegible]
[illegible] [illegible] in lib. xij. et in aut. hoc ius porrectum. C. de sacros. eccl.
Bal. in l. [illegible] in [illegible] C. de [illegible] et in l. j. C. de magis. conven. [illegible]
alij in c. j. de syndi. [illegible] [illegible] 2. [illegible] [illegible] in 4o. col. [illegible]
[illegible] [illegible] no. 7. [illegible] [illegible] [illegible] [illegible] syndi. no. 7.
Bal. in c. de [illegible] no. j. [illegible] [illegible] cons. 181. no. 47. in 2o col. [illegible]
[illegible] cons. 47. no. ij. in 6o col. [illegible] ad sufficere, [illegible] in [illegible] numero
dicantur [illegible] consiliarij nisi dicat, in qua convocatione fuere [illegible]
[illegible] [illegible] [illegible] hac [illegible] nominatio [illegible]
[illegible] [illegible] [illegible] et aliunde. secundum Bar. in l. [illegible] C. de [illegible]
Lapi. in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] 251. no. [illegible] in [illegible] col. 7.a [illegible] qua
[illegible] [illegible] [illegible] infinita [illegible] [illegible] [illegible] [illegible]
no. 2. C. de hon. vac. lib. x. [illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] mandati [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] mandatum [illegible] [illegible] quia [illegible] [illegible] in [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] [illegible] 1511. [illegible]
ad 1518 [illegible] [illegible] [illegible] fuit inchoata. 22. anni [illegible] [illegible]
quod [illegible] [illegible] [illegible] [illegible] [illegible] huiusmodi praesumptioni [illegible]
[illegible] mandatum [illegible] [illegible]. Et inter [illegible] [illegible] [illegible] data [illegible]
[illegible] [illegible] [illegible] [illegible] ff. sol. ma. [illegible] cons. 82. no. [illegible]
col. 4o. potissimum in ijs, qua [illegible] magni praeiudicij [illegible] [illegible]
[illegible] annorum [illegible] [illegible] mandatum secundum Bal. in l. ij. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] col. [illegible] in [illegible] col. [illegible] in l. [illegible] [illegible] col. [illegible] in l. [illegible]
aliena in prin. ff. de acqui. haedi. [illegible] Deci. in cons. 56. col. 3. [illegible]
[illegible] Bal. cons. 280. [illegible] col. 4. [illegible] quod ad secundum [illegible] in 3o col. [illegible]
cons. 638. col. 2. [illegible] cons. 77. col. 2. Jas. in l. ij. C. de qui admi. Balb. de
praescrip. in [illegible] [illegible] [illegible] [illegible] no. 28. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] annos [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] in [illegible] [illegible]
Bal. in l. [illegible] [illegible] [illegible] [illegible] Galle. Alex. in [illegible] col. [illegible]
[illegible] [illegible] [illegible] Deci. cons. [illegible] col. [illegible] col. j. [illegible]
[illegible] [illegible] communis mandatum [illegible] [illegible] [illegible]
in numero [illegible] [illegible] [illegible] [illegible] damnosa [illegible] [illegible]

Communie [illegible] mandatum ad eo modo [illegible] Cuiusmodi con-
ductioni videtur derogatum iuri ipsius Communis ex cursu antiquissimi
temporis illi quaesito, [illegible]
[illegible] col. 4. vers. [illegible] ergo, in 3° vol. [illegible]
ductis [illegible] Corn. in cons. 127. n° 18. in 2° vol. et cons. 9. n° 4. in p° vol. [illegible]
[illegible] minus, quia istam conductio [illegible] iure [illegible] ad longissimi
possessionis [illegible] alienationem, in qua mandatum speciale [illegible] in ma-
[illegible] requiratur et omnes solemnitates quae in alienatione [illegible] exiguntur.
[illegible] Soci. cons. 52. n° 1. in 4° vol. [illegible] in c. [illegible] omnes [illegible]
[illegible] Spec. in tit. de [illegible] § 1. vers. [illegible] opponit quod habeat, ubi 24
enumerat casus in quibus speciale mandatum requiritur [illegible]
[illegible] non appareat, sequitur nec mandatum [illegible] aut [illegible]
[illegible], non tamen legitimare [illegible] actus [illegible]
[illegible] non tenere, quia cum actus esset universitati utilis, et maxime
[illegible] non tenere [illegible] minori parti [illegible]
[illegible] maior, vel Syndicus [illegible] actum non revocabilis, aut necessarius,
[illegible] Jan. in cons. 27. n° 8. [illegible] actum non revocabilis, aut necessarius,
[illegible] quia singulorum omnium [illegible] Corn. cons. 142.
n° 17. in 2° vol. [illegible] ad praemissa, nam Universitas pupillo [illegible]
[illegible] ut multa [illegible] Corn. cons. 189. n° 4. [illegible] cons. 150 n° [illegible] in 3°
vol. Soci. cons. 55. n° 6. in 4° vol. Syndicus [illegible]
[illegible] Alex. cons. 22. n° 11. in p° vol. [illegible] Sicut pupillus [illegible]
[illegible] Universitas, et [illegible] potest alienare non [illegible]
ad alienandum constituere. secundum Soci. in cons. 234. [illegible] in 3° vol.
[illegible] Si alienare, vel constituat Syndicum, [illegible] Universitas [illegible]
restituitur, ut firmat Corn. cons. 262. n° 7. [illegible]
[illegible] vol. [illegible] si dicatur [illegible]
[illegible] in ipso instrumento [illegible]
[illegible] mandatum [illegible]
[illegible] § rationem [illegible] illud [illegible]
[illegible]
[illegible] in 6° vol. [illegible]
dictum [illegible] mandatum [illegible]
[illegible] solemnitate [illegible] vel si [illegible]
[illegible] quod si alienatio [illegible]
[illegible] supra [illegible]
[illegible]
[illegible] potestati [illegible] Causa [illegible] ipsi
locationi [illegible] non [illegible] Communis [illegible]
iurisdictionis, qui [illegible] non potest [illegible]
expelli, potestas vero est ille qui Commune [illegible]
dicitur, quinimo in specie Marcus [illegible] nominatus in asserta locatio-
n[illegible] non potestas Communis, sed [illegible] iurisdictionum fuit in quo

[illegible] ... 40. annos [illegible]. sicut et hic om
bus [illegible] ex depositionibus testium examinatorum [illegible]
modula [illegible] producere [illegible] testes [illegible]
et eorum dicta sunt in [illegible] meo [illegible] fol. 114. usque 120. [illegible]
concludenter deponunt, [illegible] omnia, quod [illegible]
dicimus [illegible]. Si itaque in aliquo teneret dicta locatio teneat in pre
iudicium [illegible] iudicentium, non potestati, aut communi. [illegible]
per locatio asserta [illegible] ad alia [illegible] locatio non sim
[illegible] consulte [illegible] si quis in
alio [illegible] in corpore [illegible] C. de [illegible], quod in di
in [illegible]
[illegible] communi [illegible] que supra [illegible]
competit ius ex ea [illegible] subditorum [illegible], hec verba [illegible]
[illegible] affectus in ipsa locatione [illegible]
[illegible] in his [illegible] iudicandum [illegible]
[illegible] accipiuntur, ut [illegible]
mans [illegible] verbum affectus [illegible] domini
[illegible] Faciat [illegible] instrumentum locationis [illegible]
[illegible] inter dominum et subditos, unde [illegible]
[illegible] sunt supra, [illegible]
[illegible] commune [illegible] sub die [illegible]
mai 1500 [illegible] meo [illegible] 94. et 95. Demum in instrumento
[illegible] exemplum [illegible]
[illegible] in iudiciis auctoritate non est exemplatum ut
dicit Deci. in [illegible] 175. Bal. in [illegible] in alio [illegible] C. de edendo [illegible]
[illegible] plura [illegible]
[illegible] de loco Deci. n° 8. affirmat [illegible]
[illegible] exemplatum [illegible]
[illegible] n° [illegible]
l. admonendi. n° 131. [illegible] exemplum [illegible] solemni
tatibus non [illegible] illa [illegible] apud [illegible] con
[illegible] C. de fi. instru. [illegible] Bal. [illegible] Jo. And. in addi. ad
spec. [illegible] instrum. edi. § nidetur. Bar. in l. [illegible] ex
[illegible] l. [illegible] C. [illegible]
[illegible] n° [illegible]
in [illegible] 24. n° 4. [illegible] n° 4. [illegible]
[illegible] Deci. [illegible]
nec obstat in 2° vol. [illegible] 30. n° [illegible]
exemplaria [illegible]
[illegible] Rom. [illegible] n° 1. [illegible]
[illegible] solemnitatibus [illegible]
instrumentum non ex suo, sed ex alieno protocolo [illegible]

Marginal notes (left):

[illegible] pac. l. [illegible] ... in [illegible] verb. oblig. [illegible]

[illegible]

[illegible] solemnitate.

[illegible] Deci. [illegible] decis. 509. n° 1. Rip. [illegible] n° 178 [illegible]

3°

speci in tit. et in au. [illegible] in §. 4°. ubi tit. multa no.

[illegible] illa requisita et calumnia ediserit glo. quam supra citavi in d. l. [illegible] Cy. in d. l. [illegible] in de. 137. Bal. in d. l. [illegible] edictio in no. 2. [illegible]
hac [illegible] no. 30. [illegible] cod. [illegible] necessaria [illegible] de. 10. [illegible] col. 227. Guid.
[illegible] 48 [illegible] no. 4 [illegible] no. 3. ubi 8 [illegible] ponit Soci. in l.
[illegible] admonendi no. [illegible]
Alex. in d. l. [illegible] no. 27 [illegible]
[illegible] Rom. [illegible]
Alex. in d. l. [illegible] Rip. in d. l. admoneri [illegible] de. 372 no. [illegible] Soci. cons. 164 [illegible]
[illegible] in 2° vol. Dec. in c. [illegible] no. 220. 221. 222. [illegible]
[illegible] Alex. in d. auc. [illegible] no. 2.
[illegible] Gemi. in cs. 137. col. 1. in prin. [illegible]
[illegible] voluntate [illegible] aliter factum [illegible]
[illegible] ad [illegible] id [illegible]
[illegible] necessaria [illegible] ad [illegible]
[illegible] autenticam [illegible] Canno. in c. fi. [illegible]
in c. [illegible] tit. et in c. [illegible] et [illegible]
[illegible] Bar. in §. [illegible]
[illegible] Curt. cs. 72. col. 9. Alex.
in l. [illegible]
ac cs. 101. no. 7. 8. vol. 7. Soci. [illegible] 157. col. 4. in [illegible]
col. [illegible] cs. 104 [illegible]
457 [illegible]
[illegible]
Alex. in d. l. [illegible] no. 11. [illegible]
[illegible] no. [illegible] in l. [illegible]
43. [illegible] 31. [illegible] 81 [illegible]
[illegible]
[illegible] iudici [illegible]
ante citatio [illegible] nec ipso [illegible] immo [illegible]

[illegible] maxime [illegible] ex.to [illegible] quod [illegible] iudicis auctoritate [illegible]
[illegible] Bal. C. [illegible]
[illegible] 24 [illegible] in 4. col. [illegible] quoniam [illegible]
[illegible] si [illegible] no. 30 [illegible]
[illegible] no. 225. [illegible] exemplum [illegible] iudicis auctoritate [illegible]
[illegible] originale exigit. et quod [illegible]
[illegible] 280 [illegible]
[illegible] ex processu [illegible] Bal. [illegible]
[illegible] Socin. [illegible]
[illegible] col. [illegible] 18. no. 22. in 2. col. et cons. 64. no. 31 [illegible]
[illegible] 3. col. [illegible] 262. no. 8. [illegible]

[illegible] ad originale [illegible]
[illegible] originali [illegible]
[illegible] illius actus, et omnium exemplationum [illegible]
[illegible] Contra [illegible]
[illegible] originali [illegible]
[illegible] Bal. [illegible] 104 [illegible]
Corn. [illegible] cons. 227. no. 2. col. 2. [illegible] col. 7. [illegible] l. donatio [illegible]
[illegible] exhibere maxime, nec in [illegible]
[illegible]
[illegible] limitatio. [illegible]
[illegible]
[illegible]
[illegible] 28. no. 1. et cons. 75. no. 2. sed [illegible] quod [illegible]
[illegible] velle
expelli voluerit locum et Chiaussiani [illegible] simplicis [illegible]
[illegible]
[illegible] Ruinus [illegible] exemplum [illegible]
[illegible]
[illegible] R. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
originalia [illegible] talia quaelibet [illegible]
[illegible]
[illegible] sanguineos [illegible] dicta [illegible]
[illegible]
[illegible]
[illegible] Corn. cons. 227. no. 3. in 2. col. [illegible]
[illegible]
inter caetera [illegible] quod ille [illegible]
[illegible]

[illegible] epistola dicti [illegible] vel [illegible] indicus [illegible] instrumentum explanavit [illegible] quod [illegible] in instrumento [illegible] dicti [illegible] [illegible] . 7° vol. [illegible] [illegible] [illegible] [illegible] Rot. [illegible] instrumentum [illegible] [illegible] [illegible] in [illegible] . 7 . [illegible] . in [illegible] [illegible] nº 11 . in 2º vol. [illegible] Decis . 278 . nº 4 . in 3º vol. [illegible] Decis . 518 . [illegible] [illegible] in publica forma [illegible] [illegible] . in [illegible] nº [illegible] [illegible] dec. 220 . nº 3 . in 3º vol. et dec. 118 . nº 4 . in 4º vol. [illegible] dec. 84 . nº 1 . [illegible] vol. 4º . [illegible] in dec. 216 . nº 3 . Rob. [illegible] in spec. [illegible] instrumenti [illegible] nº 2 . fol. 187 . [illegible] in dec. [illegible] nº 8 . [illegible] dec. 70 . nº [illegible] et dec. 90 . nº 4 . [illegible] instrumentum [illegible] dec. 122 . nº [illegible] Decis . 271 . nº 2 . [illegible] in [illegible] anno . [illegible] [illegible] nº 16 . fol. 288 . praeterea illud [illegible] in solemnitatibus [illegible]

[illegible]

CXI [illegible] dec. 94 . nº 2º vol. in 2º [illegible] [illegible] prim. col. pr. in fi . in vers. 2º quia [illegible] Cardinali . ff. [illegible]

Deci. in c. causa [illegible] Castri novi [illegible]

[illegible] Alex. cons. 10 [illegible]

[illegible] col. [illegible] Alex. cons. 112 [illegible]

[illegible] cons. 171 [illegible]

[illegible] in cons. 47. col. 3 [illegible]

[illegible] consta[illegible] [illegible]

[illegible]

[illegible] in cons. 127 in 4° vol. [illegible]

[illegible] a nobis col. 2. [illegible] dicens [illegible]

a fructo suo [illegible] aliene [illegible]

ad hoc et [illegible] Alex. in d. cons. 112. Deci. in c. [illegible]

et [illegible] a nobis et [illegible] cons. 107. col. 3 [illegible]

Deci. cons. 502. et cons. 600 [illegible]

[illegible] a nobis [illegible]

contra [illegible] et super [illegible] et hoc [illegible]

[illegible] domini [illegible] Clauzerani [illegible] possessio [illegible]

[illegible] et ipsos [illegible]

[illegible] domini [illegible] obstat [illegible] locationis [illegible]

[illegible] continet [illegible]

[illegible] domine Clauzeri [illegible]

[illegible] locatione illa vel falsa vel simulata vel [illegible]

[illegible] Clauzerani [illegible]

[illegible]

[illegible] Clauzerani [illegible]

[illegible] Clauzerani [illegible]

[illegible] locatione [illegible] ac alia [illegible]

[illegible] Simulatio [illegible]

[illegible]

[illegible] Clauzeran[illegible] [illegible]

[illegible] sua, et [illegible] suos [illegible] Clauzeranos [illegible]

[illegible]

[illegible] quod [illegible] quoniam Clauzerani [illegible]

[illegible] sicut [illegible]

[illegible] colonis in [illegible]

[illegible] titulum [illegible]

[illegible] domino [illegible] domini [illegible]

[illegible] colonie [illegible] possunt [illegible]

[illegible] Clauzerani [illegible]

[illegible] non possunt [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

domini Castri novi [illegible]

[illegible] pervenimus adversa [illegible] (quod nisi verissimum) [illegible] ceram [illegible]

tenere sustinuerint, vero parvulos Clauzetanos, nuda alia [illegible] nullo loco [illegible] Chiaruglianis [illegible] [illegible] expellerint [illegible] [illegible] Castro [illegible] [illegible] solum [illegible], cum [illegible] quatuor [illegible], id quod [illegible] [illegible] sed potius praedictos Clauzetanos [illegible] [illegible] [illegible] [illegible] pervenerit, [illegible] in [illegible] [illegible] 18. maij. 1560. fol. 94. et 95. [illegible] [illegible] quod [illegible] [illegible] in [illegible] [illegible]

Et quamvis premissa sufficientissime sint ad ostendendam victoriam, [illegible] [illegible] [illegible] [illegible] [illegible] multo minus obtinere potuit [illegible] [illegible] silvam [illegible] quae loca ipsi in arbitrio [illegible] voluerint, ipsa [illegible] [illegible], et totaliter [illegible] a loco et Chia[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] facit quod tradit Cravetta in cons. [illegible] 2. si enim [illegible] [illegible], ac Chiauglianis [illegible] [illegible] et propterea in hoc communi ipso iure fundatam [illegible] [illegible] intentionem, tamen [illegible] multis aliis [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Bar. in l. [illegible] quemad. [illegible] [illegible] [illegible] adducitur [illegible] Alex. in cons. 134. n.o 3. in 2.o vol. Et haec quidem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in meo [illegible] fol. 43. t.o ex [illegible] quae [illegible] dicitur [illegible] Capitanium [illegible] Decano Clauzeti. [illegible] [illegible] [illegible] Excellentissimi D. [illegible] [illegible] Doc.

[illegible] ipsius doctoris excellenti[illegible]

[illegible] Racionem [illegible]

rationem multa

[illegible] in criminem [illegible]

[illegible] Bal. [illegible]

Prima

[illegible] examinatorum qui [illegible]

[illegible] in meo processu usque 82. Nec dicat adversarius ipsos [illegible]

[illegible] in aliqua causa [illegible] domini Pinzani [illegible]

[illegible] in hac causa [illegible]

[illegible] quia citatio est principium omnium actionum [illegible]

[illegible]

Causa cum illis agitata [illegible]

[illegible]

[illegible] criminalia [illegible]

[illegible] num domini quod [illegible]

[illegible]

causam. et [illegible] med. 27. col. fin. 2a col. [illegible]

[illegible] col. [illegible] lucet causa col. 7. in pri[illegible] in cis. 13. col. 4. in 3a col. [illegible] cis. 135. col. 5. in 2a col. [illegible]

[illegible]

transsumptione, quo cum pluralitas [illegible]

[illegible] magis certatur est [illegible]

no. [illegible] uti possid. [illegible]

[illegible] ex iuris transsumptionibus [illegible]

ff. de re iudi. [illegible] in cis. 6. no. 66. [illegible] quod [illegible]

[illegible]

sub nomine [illegible]

[illegible]

13. nouembris. fol. 24. [illegible]

fol. 25. [illegible]

[illegible] habeat in chiaugliauis [illegible] ita cum [illegible]

a morte non modo in [illegible] plana, [illegible]

nis [illegible] aliquot [illegible] possit [illegible]

[illegible]

munt [illegible]

[illegible] plus iuris in [illegible]

[illegible]

in. 6. l. traditio. ff. de acqui. rer. domi. c. [illegible] i. q. 7. [illegible]

[illegible]

[illegible] gratia, quia cognita non, quia [illegible]

[illegible]

[illegible] nullus [illegible] nature [illegible]

non videat naturam [illegible]

[illegible] plana [illegible] vim [illegible]

[illegible] naturalibus [illegible]

guntur, [illegible] nec possibile est illa [illegible]

[illegible]

de natura. lib. 32. uni optimam cognitionem nobis affert, quo loco

Marginal notes (left):

Haec [illegible] certa [illegible]

[illegible]

[illegible]

in quo [illegible]

[illegible]

[illegible] magis [illegible]

[illegible]

.126.

idest plus oculos diuinos [illegible] circa [illegible]
[illegible] ac plin. natu. hist. lib. xi. [illegible] oculus [illegible]
[illegible] arcy, [illegible] duas [illegible]
[illegible]
ex sensibus [illegible] manit Senec. in. 6. epist. ad lucil. [illegible]
certior auro arbiter est oculus. [illegible] in hac difficultate [illegible]
[illegible]
[illegible]
[illegible]
nullo modo [illegible] fieri possit. [illegible] adop. [illegible] ad [illegible]
[illegible] in aur. [illegible] col. [illegible] lib. [illegible]
[illegible] secundum
[illegible] lib. [illegible] lib. 2. de anim.
[illegible]
Ex quibus satis suadetur, non [illegible] non aliquid [illegible] naturalem illam [illegible]
[illegible] altissimis [illegible]
[illegible] triangularis [illegible] plana necesse est
[illegible] separata [illegible] appa[illegible]
[illegible] nullam habere [illegible]
[illegible] plana esse [illegible] triangularis [illegible] plana
[illegible]
modo [illegible] triangularis [illegible] quos [illegible]
Zeti [illegible] in actu 18. [illegible] esse [illegible]
in meo [illegible] fol. 124. [illegible]
Sauorgnani [illegible] in hoc [illegible]
[illegible] Capiamus, [illegible] diffinia. primum est illud furca, in quo utraque pars [illegible]
[illegible] sit a meridie in loco ubi primum [illegible] secundum [illegible]
illud a meridie [illegible] dicitur firmam [illegible] in hoc [illegible]
index [illegible]
[illegible] esse [illegible]
[illegible]
si dicimus [illegible] esse [illegible] et lancis [illegible]
[illegible] esse amplius a Solis ortu, sed esset a septentrione, [illegible]
[illegible] oritur [illegible] ibi est [illegible]
[illegible] ad [illegible] est [illegible]
[illegible] flumi, [illegible] ergo [illegible]
[illegible]
fluat. l. i. ff. de flum. imo ex hoc [illegible]
[illegible] sed [illegible] aquis quaque [illegible]
[illegible] dicimus. [illegible]
a [illegible] nullas habere, sed [illegible]
noster terminus est dispositus [illegible] furca [illegible]
[illegible] ab una [illegible] ex [illegible]

Aristot. in [illegible] cap. et [illegible] oppositis [illegible] lib. 5. ethi. cap. 6.

[illegible]

põn. Nec credidi eis confinatē sic q calidi et inordinati potiusq di:
finiā, sed uere magis finitimū esse, ut ordinati in dfinādo fuerit
[illegible] Praeterea [illegible] confine ex aduerso dexti [illegible] esset
[illegible] eodem [illegible] est [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] ipm
sentia nō uocat ostiū coste, sed costā q confini, et si uoluisset hoc di:
cere scripsisset utiq, sed noluit dicere, ergo nec nos dicamus, cū nec
cosa illa sit, nec confinet ab oriēte, nec [illegible], nec mōs unit [illegible]
[illegible] taietti. [illegible]
[illegible] ab oriente [illegible]
[illegible]
[illegible] ad collem [illegible]
[illegible] ipm [illegible] uicina costa [illegible]
dicetes, at vide ultra nō taietis esse, sed Taiettū, id quod uerius est,
et loci natura confinat, accolarū uicinorū inquā appellatio [illegible]
et [illegible] ex quo dnū Sauorgnani contra:
[illegible]
[illegible] la costa [illegible] maxima est [illegible] sed
Clauzettani meliorem [illegible] partē, quādoquidē dicit [illegible] dis:
[illegible]
[illegible]
uersus solis ortū, [illegible] occasū respicit et si hinc [illegible]
est illinc [illegible]. [illegible] à meridie illa costa [illegible] quae est ultra
[illegible] taieti, sunt principiū cote [illegible]. falluntur
tamen, quia si hoc [illegible] tria [illegible] in eodē loco et [illegible]
[illegible] uno in angulo [illegible] mōs [illegible] Janis,
et Costa id quod [illegible] absurdū [illegible]
[illegible]
[illegible]
[illegible]
[illegible], hoc est à solis occasu, nec uerisimile est, quod [illegible]
Costa [illegible] à meridie sit [illegible] posita, quia si illa esset confinans
[illegible]
[illegible] plura ab una, et eadē parte posita esse [illegible]. Porro hac
[illegible]
[illegible] usq ad ualle [illegible] quae est iuxta [illegible]
[illegible] loci [illegible]
[illegible]
[illegible] ab oriēte, et à septētrione mōs [illegible] Janis [illegible]
[illegible] haec esset [illegible] à meridie [illegible]
[illegible]

[illegible] ipsius [illegible] esse [illegible] quod [illegible]
[illegible] [illegible] corpore [illegible]
ex [illegible] in genus [illegible] quod predicatur
et pluribus [illegible] dicit Arist. lib. i. top. cap. 4 [illegible]
[illegible] et [illegible] predicatur [illegible] cap. i. [illegible]
porphirius [illegible] nostri illud [illegible] quod verificatur in [illegible]
specie. l. si [illegible] ff. de leg. 3. l. [illegible]
[illegible] omnes [illegible] ff. si cer. pe. [illegible] quod [illegible] est et [illegible] totum [illegible]
[illegible] ad [illegible] toto. ff. et [illegible]
[illegible] si quis [illegible] corpore [illegible] sumitur. [illegible]
in [illegible] excludere [illegible] tota [illegible] ex [illegible]
[illegible]
[illegible]
et [illegible] claustrorum [illegible] ex [illegible]
ex alia [illegible] claustrorum [illegible]
[illegible] in [illegible]
ad [illegible] quod [illegible]
[illegible] nec [illegible] claustrorum [illegible]
[illegible] in his terminis [illegible]
[illegible] in [illegible] causa [illegible] nominata [illegible] claustrorum
[illegible] sed [illegible]
[illegible]
claustrorum [illegible]
[illegible] sine [illegible] incidunt [illegible]
[illegible]
[illegible]
inter alios [illegible] aliud [illegible]
[illegible]
[illegible] in sententia [illegible]
[illegible]
[illegible]
[illegible]
in [illegible] ex [illegible]
[illegible] in [illegible] Jas. in [illegible]
[illegible] interesse [illegible] natura [illegible]
[illegible]
[illegible] Abb. [illegible] et parroch. [illegible]
[illegible] Fely. [illegible] in causa [illegible]
[illegible]
[illegible] aliquis [illegible]
[illegible] multiplicitur [illegible] quod [illegible] aliter [illegible]
[illegible]

eo, quod in multis, [illegible] in libro [illegible] ignoratio non sit singu[illegible]
[illegible]
[illegible] temporum [illegible]
[illegible]
[illegible] Pavia [illegible] quia [illegible]
[illegible] et de diuersis temporibus [illegible] non singularis [illegible]
[illegible]
terminus — confinis
[illegible] Laceum.
[illegible] Limiciondis [illegible] in diletri.
[illegible]
non [illegible], quod [illegible] non transibat [illegible]
hoc falsum esse [illegible] ex eo, quod constat ipsos iam annis 300. [illegible]
[illegible] non [illegible], et [illegible] sed et Chianglianis cui locus est [illegible]
[illegible]
[illegible] mala [illegible]
indicia [illegible] in loco [illegible]
[illegible]
[illegible] Demum [illegible] Lissitaleacis [illegible]
[illegible] est, quod [illegible] termina iurisdictio:
non [illegible] et casum [illegible] quod [illegible]
[illegible] in diuersis dictionem ipsorum [illegible]
[illegible] ex [illegible] dico, quod et si [illegible] hoc [illegible]
[illegible]
[illegible] quod sub nomine Chianglianis [illegible]
[illegible]. Ex quibus omnibus, et singulis [illegible] supra [illegible]
[illegible] in utraque [illegible]
[illegible], sed [illegible] quia difficultas [illegible]
[illegible]: ideo [illegible] dictum [illegible]
esse [illegible] cum [illegible]. 2. D.

Flaminius de Rubeis [illegible] Venetiis
minimus.

[illegible]

[illegible]

agnoscit successionem ff. de aqua. hered. Nec in casu [illegible]

[illegible] bona uxoris [illegible]

[illegible] ff. de hered. [illegible]

[illegible] simpliciter [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

negativa [illegible]

regar. magno [illegible]

Illa negativa fortior est ad probandum quam affirmativa [illegible] sed no. glo. in l. hoc iure. ff. de condi. et demon. glo. in c. [illegible] et omne. Deci. in c. ex parte. de constit. col. 2. [illegible] med. Crav. in cons. 146. sub n°. 4. [illegible]
Et contrario non obstante, ut deducit idem Crav. in cons. [illegible]
probat. de assecuratio. [illegible] num. [illegible]
Sane C. et eden. in sim. [illegible] quibus cautum est negativa omnis probandi non indiget, sed affirmanti, quia negativa non probat ex quo iure [illegible] fundata est eo, quod et contrario non apparet. [illegible] magis tutum est [illegible] negativa quod [illegible] ipsi [illegible]
dicere ex [illegible] fuerit [illegible] uxoris, [illegible] filii [illegible] dicti [illegible] et [illegible] in [illegible] 25. aug. 1570. [illegible]
[illegible]
[illegible] executio fiat in bonis [illegible] dummodo non [illegible]
[illegible] dicti [illegible] filii [illegible]
[illegible] nulla [illegible]
[illegible] honestissima [illegible] non [illegible]
probatur [illegible] bonorum dicti [illegible]
fol. 34. [illegible] D. Ludovici Bumaleschi [illegible]
[illegible]
[illegible] fuerit [illegible] creditorum, omnia bona [illegible]
[illegible] illa [illegible] à [illegible] filii [illegible]
[illegible] maiorum
[illegible]
Quia hoc [illegible] ex [illegible] §. licita. [illegible]
[illegible]
[illegible]
[illegible] ad [illegible] quia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] introductum fuit, ut [illegible] omnino [illegible]
[illegible]
[illegible]
[illegible]
[illegible] creditorum [illegible]
[illegible]
[illegible]

[illegible] 17. aprilis. fol. 162.
[illegible]
[illegible] est [illegible], sed [illegible] et magne [illegible] creditor,
[illegible]
[illegible] fol.
[illegible] fol. 139.
[illegible] fol. 144. [illegible]
[illegible] fol.
[illegible] divi. [illegible]
[illegible] fol. 139 [illegible]
[illegible]

[illegible] in 4.° vol. [illegible] à [illegible] câs [illegible]
[illegible] in ff. ff. et [illegible] Ang. in §. [illegible] ex alia
[illegible] Curt. Sen. cõs. 80. col. 1. Capr. cõs. 8. n.° 7. [illegible]
bi. [illegible] & Ang. in locis [illegible] ac Cur. in cõs. 5. n.° 20. [illegible]
[illegible] argumentum [illegible]; potissimum [illegible]
[illegible] casu, [illegible] ratio sit expressa in constitutione [illegible] tex. in l. [illegible]
[illegible] ff. et [illegible] [illegible] argueretur [illegible] ad aliud casum [illegible]
filium habe. ff. ad macedo. Ant. But. in c. [illegible] in clemen. [illegible]
[illegible] Si [illegible]
[illegible] ratio [illegible] ut [illegible] fraudem creditoris [illegible] occultantis
[illegible] [illegible] dispositio [illegible]
[illegible] in l. [illegible] ff. et [illegible]
[illegible] eisdem [illegible] dispositionem [illegible]
[illegible] Quod aut [illegible] ratio [illegible]
[illegible] creditoris [illegible]
[illegible] quid & quanti [illegible]
[illegible] fraudari creditores, [illegible]
[illegible] in publico [illegible]
[illegible] dicatur [illegible]
[illegible]
[illegible] talis [illegible]
[illegible] respondeo [illegible]
necessariam, sed voluntariam [illegible]
[illegible] probatur ex verbis ipsius [illegible] constitutionis [illegible]
[illegible] persona [illegible] voluerit [illegible] Sed talis volens adire [illegible]
[illegible] electionem
[illegible] tex. [illegible] l. [illegible]
[illegible] §. 1. [illegible] tex. in l. filius [illegible]
[illegible] quod [illegible] licet [illegible]
[illegible] locus est. Sic [illegible]
et iure civili [illegible], [illegible] iure municipali [illegible] ad [illegible]
[illegible] anno 1548
[illegible] aequipollens quod sufficit. arg. l. [illegible] §. [illegible] bona [illegible]
[illegible] quia aequipollentia [illegible] quid ex [illegible]
[illegible] l. si mater [illegible]
[illegible] fac. l. gallus. §. [illegible] quid si tantum ff. de lib. & posth.
[illegible]
[illegible] habitum [illegible]
[illegible] Cass. in [illegible] l. si mater. C. [illegible]
[illegible] quod matrimonium [illegible]
[illegible] Rom. [illegible] decis. 124 [illegible]
[illegible]
[illegible]
[illegible]

tamen habere substitutos. Bal. in l. [illegible] C. de iure delib. [illegible]
.31. Alex. [illegible] in cons. quod incipit n°. 15. 16. [illegible] adol. [illegible] Similiter
[illegible]
[illegible] necessitate officii sui [illegible] cogatur [illegible] Bal.
[illegible] n°. [illegible]
[illegible]
.32. [illegible] cos. 294. n°. 3. Et si dicatur hoc perdere
privilegium fisci [illegible] quod [illegible] in aliis [illegible]
.33. [illegible]
[illegible]
[illegible] hereditas non [illegible]
n°. 4. et solu. Bart. in [illegible] l. [illegible] col. 9. vers. 3° [illegible] C. de [illegible]
[illegible] in d. l. fi. [illegible] C. de iure delib. [illegible]
[illegible] Bal. [illegible] in d. l. fi. [illegible] in trac. [illegible]
[illegible] Guido pap. decis. 571. in fi. [illegible]
[illegible] parrochiano [illegible] hereditas [illegible]
nonico. [illegible] in foro [illegible] capitum [illegible] hereditariis [illegible]
effectu acquisitionis [illegible] iure civili, secundum quod hereditas
accipitur [illegible] Bal.
in [illegible] l. fi. [illegible] n°. 9. [illegible] nostro nulli du-
.34. bium, quod [illegible] canonica [illegible]
[illegible] ad [illegible] iuris apices, sed iustitiam ministrat [illegible]
et aequo, et secundum [illegible] ut dicit Jas. in l. creditor. [illegible]
n°. 3. et si cons. [illegible] cons. 150. in fi. Ex his [illegible]
[illegible] sufficiens [illegible] aequipollens quae mediante [illegible]
[illegible] finali [illegible] legis communis, et municipalis, quia [illegible]
[illegible] longa est via, et constat non posse fraudem [illegible]
[illegible] bonorum omnium [illegible] in dicto [illegible]
[illegible] Nec obstant [illegible] dicentium [illegible] ex post alia
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] sequitur Bal. in cos. 398. col. 2. [illegible] volu. [illegible] cos. 81. n°.
[illegible]
[illegible]
.37. [illegible]
.38. [illegible] multa Jul. [illegible] lib. [illegible]
[illegible] n°. 20. [illegible]
[illegible] sed cum [illegible]
[illegible] in cos. 125 ad fi. [illegible]

[illegible] pro: [illegible] uxor adultera [illegible] cons. 8. col. 4. volu. [illegible]

[illegible] licet [illegible] iudicatas [illegible]
[illegible] inveniuntur adduco [illegible] in cons. 17. et decisio. n° 6. [illegible]
[illegible]
[illegible]
[illegible] autoritates circuli, qui [illegible] [illegible] alium
[illegible] exierint, [illegible] non [illegible]
[illegible]. Hec itaque sic firmatis, facilis est [illegible]
[illegible] licet litteraum. [illegible] semel [illegible] fuerit, et [illegible]
[illegible] quod [illegible] non [illegible] [illegible] ultra [illegible]
[illegible] Nihilominus. [illegible] quod [illegible] ultra [illegible] illa [illegible]
[illegible]
[illegible] in omnibus [illegible]
[illegible]
[illegible] in casu [illegible] non [illegible] dicam [illegible]
[illegible] satisfaccio [illegible] finali [illegible]
[illegible] fuerit satisfaccio ex [illegible] creditoris non [illegible]
[illegible] potuisset [illegible] subtrahi, aut occultari [illegible]
[illegible] quod sufficit [illegible] non tenet
[illegible] non teneri [illegible]
[illegible] naturalis [illegible] ex [illegible]. [illegible] non obstat
[illegible]
[illegible] non [illegible] Tiliox [illegible]
[illegible] ultra [illegible]
[illegible] sententia in bonis [illegible] [illegible] in bonis [illegible]
[illegible] quod solvit [illegible] Tilios
[illegible]. Similiter alia sententia. 1507. 12. mai. [illegible] non obstat
[illegible] mali [illegible] fuit litteraum [illegible]
[illegible] [illegible]
[illegible] conformatis
[illegible] confirmati fuerunt [illegible]
dixit [illegible] Tiliox [illegible] dictis [illegible] quia [illegible]
creditoris [illegible] qua dictus [illegible] [illegible] licet [illegible]
[illegible]
[illegible]
[illegible] illa sententia non afficit bona litterarii [illegible]
cognitum fuit [illegible] tempore in [illegible] bonis, quia [illegible] hoc non [illegible]
[illegible] dicta sententia. [illegible]
dicere [illegible]
[illegible] appellacionis [illegible]
[illegible] reponat in eo statu in [illegible]
[illegible]
[illegible] satis. [illegible] nil novi. [illegible]
[illegible] in finitis [illegible]

[illegible] formato in 1507. [illegible] causa [illegible]

appellacionis [illegible]

[illegible] sententiam [illegible]

[illegible]

[illegible] 164 n°. 2 [illegible]

[illegible] alie. iur. [illegible]

[illegible]

[illegible] id quod [illegible] ex [illegible]

[illegible] fundamentum quod filij [illegible] sint creditores [illegible]

[illegible] faciunt [illegible] in hoc videmus [illegible]

[illegible] in [illegible] negotijs [illegible] scripturis [illegible]

in [illegible] fol. 150. ex [illegible] calculo facto cum omnibus [illegible]

[illegible] creditores [illegible] £ 14 [illegible] in toto [illegible]

saldo [illegible] fuerunt [illegible] sint [illegible]

[illegible] excedit [illegible] colligitur ex [illegible]

[illegible] mercatores filijs [illegible] plus [illegible] in expensis [illegible]

[illegible] fol. [illegible]

[illegible] liquidationi [illegible]

[illegible]

[illegible] toto £ 18330 2 [illegible] ex [illegible] 1450 [illegible] decembris fol. [illegible]

[illegible] marcas, [illegible] faciunt £ 1448 f 17 ex liquidatione [illegible]

[illegible]

[illegible]

[illegible] £ 40 [illegible]

[illegible] corum [illegible]

[illegible] 18 [illegible]

[illegible] in Anno [illegible] domo in foro novo [illegible]

[illegible]

... taliter modo ... male locatis, male ... [illegible]

... pro quantitatibus in illis expressis: unde ipsi ... [illegible]

... recuperandi. Verificarunt ne ... remaneat ... [illegible]

... in codice ... sic ... [illegible]

... Pilij ... [illegible] ... defendicum. Dicit ... Pilij ex ipso capitulo ... [illegible]

... magistri Matthaei ... et Magistri Jo. Maria ... solutum fuit ... Pisis ... [illegible]

... Sed ... [illegible]

... usque ad ... expulsionis ... [illegible]

... sine ... [illegible]

... nec ... Pilij ... [illegible]

... anno 1437 ... [illegible]

... Statuta ... fol. 21. Sed ... [illegible]

... 2 Iulii 1600 ... [illegible]

... quod solum ... [illegible]

... in ... inclusum ... [illegible]

... conformis ... [illegible]

... [illegible]

... in ... [illegible]

... Vnde ... quod ... [illegible]

... ipsi Pilij ... [illegible]

... [illegible]

[illegible] docendum [illegible] tempore bredia [illegible]
[illegible]
[illegible] filij [illegible]
[illegible]
[illegible]
sicut hoc credita impugnan [illegible]
Amendum fol. 18. [illegible] — [illegible] apostolis [illegible]
[illegible] in eo [illegible]
[illegible] actione eodem [illegible] lex [illegible]
[illegible] solutione [illegible] minus [illegible]
[illegible] solutionis [illegible] C. de [illegible]
[illegible] C. de [illegible] l. si [illegible] §. in
omnibus [illegible] ff. de [illegible]
[illegible]
per solutionem omnis tollitur obligatio. l. modestinus. ff. de [illegible]
[illegible] C. de [illegible]
non [illegible] — [illegible] comprehendat quaecumque liberationes [illegible]
[illegible]
[illegible] et liberationem filijs [illegible]
[illegible]
[illegible] dicit [illegible]
[illegible]
[illegible] ex quacumque [illegible]
[illegible] confessionis [illegible]
[illegible] simulatum malitijs artibus et dolo [illegible]
[illegible]
[illegible] — [illegible] et [illegible] in dolo [illegible]
[illegible] l. transactionem [illegible] C. de [illegible]
[illegible] C. de pen. [illegible]
[illegible] l. omnes. §. fi. C. de epis. et cle. l. apud. §. marcellus. ff. de
[illegible]
[illegible] ex [illegible] ff. de [illegible] l. [illegible]
[illegible] — [illegible] ff. de [illegible] cum multis alijs [illegible]
[illegible]
[illegible] C. de dona. inter vir. et uxo. l. si maior [illegible] C. de [illegible]
[illegible]
[illegible] l. si [illegible] C. de [illegible]
.52.
Simulatio [illegible] — Simulatio [illegible] et praesumptionibus [illegible]
[illegible] C. plus val. quod agit. [illegible]
[illegible] confessionis [illegible] dolo malisque artibus [illegible] ut supra

ne Pilijs [illegible] nec Uterano [praeiudicare] [maxime], quia mala fides auctorum [est] ad successores, qualis sunt Pilij, [illegible] [illegible] [illegible] loco [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] Roma [illegible]

[illegible] [illegible] [illegible] [illegible] col. [illegible]

et plura [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] ff. [illegible] [illegible] [illegible] [illegible] par. 7. [illegible]

xi [illegible] quia maritus est dominus dotis [illegible] [illegible] [illegible] l. dotis [illegible]

[illegible] [illegible] l. [illegible] C. [illegible] [illegible] [illegible] [illegible] ac [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] uxoris [illegible] [illegible] [illegible] ma-

[illegible] [illegible] [illegible] [illegible] l. si cum dotem. §. si maritus ff. sol.

ma[trimonio]. Et quidem premissa in [illegible] [illegible] sunt, ut mulier non possit

nec [illegible] [illegible] [illegible] distrahere vel alienare in praeiudicium

viri, sicuti [illegible] [illegible] [illegible] casus l. [illegible] C. de dona. et [illegible]

[illegible] [illegible] casus l. si fundus in dote datus l. [illegible] [illegible] et

l. fi. [illegible] [illegible] [illegible] C. [illegible] de [illegible] [illegible]. 2° suspecta

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] domo

[illegible] [illegible] [illegible] [illegible] [illegible] domo [illegible]

[illegible] [illegible] [illegible] Pilie [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] domo ipsa [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in loco [illegible] separationis [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] deus [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] glo. [illegible] [illegible]

[illegible] hoc [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] confessione ipsa dolo [illegible]

[illegible] [illegible] Uterano [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] praeiudicium [illegible] [illegible] [illegible]. Sed ultra premissa sunt [illegible] [illegible]

[illegible] [illegible] nullitatis et falsitatis dicte confessionis [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] 27. [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] in 2° casu [illegible] loco [illegible]

[Marginalia, left:]

[illegible] maritus [illegible]

[illegible] [illegible] [illegible] dote

[illegible] [illegible] homo [illegible] separat.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] Item cum [illegible] fuerint [illegible] credibile [illegible]
[illegible] exceptio [illegible]
[illegible] ipsi [illegible] fuerint [illegible] maligna natura, et litigiis [illegible],
[illegible] ut est in [illegible], [illegible] litigassent, ut
[illegible] in [illegible] 2° capto [illegible] ex [illegible]
et formaret, et ex [illegible] ipsorum [illegible]
ibi unde quicquid [illegible] malign-
[illegible]: [illegible]
extorta. [illegible] quod [illegible]
[illegible] ex [illegible]
[illegible] hoc [illegible]
[illegible]
[illegible] quia
non est verisimile, quod [illegible] solverint [illegible],
et sibi fieri [illegible] in
[illegible] in [illegible] hoc [illegible]
mala natura, ergo solutio facta [illegible]
[illegible] quia [illegible] qui [illegible]
[illegible] et solutionis [illegible] sibi
[illegible] in quacumque liberatione, ut [illegible]
fortius [illegible] in casu isto, quia [illegible] alia solutione [illegible]
[illegible]
[illegible]
[illegible]
[illegible] cons. 120. [illegible] 2. [illegible]
5° vol. [illegible] excipiunt [illegible]
[illegible] exceptionem hoc [illegible]
[illegible] uno loco.
[illegible] et [illegible] anno
[illegible]
tunc liquidatio est facienda [illegible] £ 6 [illegible] 6 [illegible]

[illegible] quod [illegible] in [illegible] solutis [illegible], quare [illegible]
[illegible]
[illegible] ipsi soluti, [illegible]
[illegible] illi expedit. c. [illegible] l. quod [illegible]

[illegible]

[illegible] modo [illegible]

[illegible]

[illegible]

[illegible]

[illegible] uxoris [illegible]

[illegible] paraphra[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] clam [illegible]

[illegible]

[illegible] mutat tex [illegible] in solum [illegible]

ff. de lib. [illegible] doc. in l. ex [illegible] §. fi. ff. de [illegible]

[illegible] in possessione turbam. Item quod extraxerit [illegible]

[illegible] partis [illegible] iud.[illegible] [illegible]

[illegible]

[illegible] in d[illegible] [illegible] universitatis omnium [illegible]

[illegible]

[illegible] in [illegible] rel. [illegible]

[illegible] rescindendo [illegible]

[illegible]

[illegible] itaq [illegible]

[illegible]

[illegible]

uol. ... Bar. tradit. ff. et his scrib. ut indiq. c. cxco. ...

[illegible]

t sponsal. c. ...

[illegible]

occi.

com

Si mulier separata sine uiro adest. — tra diuis nō potuit habere illam. ... Io. cap. 7. dicit ...

mus ... semper aiunt ... matrimonij. c. ...

.50.

... — Ideo mulier uiro suo ... esse ... homil. 63. ex cap. 19. ... alligata uiro suo. ...

... duo in carne una, unum corpus, una anima. — paul. 1. Corint. 7. ... una caro unū corpus et una anima ...

... Gen. cap. 2. Matth. cap. 19. Marc. cap. x. ...

.52.

... — ... dotem. ... si maritus. ff. sol. ma. ... quos deus coniunxit

... glo. ...

... Alex. ... ff. sol. ma. col. 5. ...

... ibi ...

... mar. in eds. ... col. si ergo conditio illa ...

... ordinatio ... diuina — ... libertati matrimonij ... esse ...

... .53. — ergo conditio illa nō ...

[illegible]

... .54. — ... sine ...

[illegible]

... dicitur conditionē ... matrimonij ... remanere. ... Bar. ... cū ...

[illegible] ... col. 2 ... [illegible]

[illegible]

[illegible] hereditatem. l. comprehendenda. [illegible]

[illegible] ex. [illegible] filii. C. de nup. [illegible]

[illegible] ... cetas nostri ... [illegible]

[illegible] ... sicut. l. [illegible]

[illegible]

[illegible] nup. [illegible] etat. puelle [illegible]

[illegible] nec mihi contractum. Et si dicatur hec [illegible]

[illegible] primi testamentum esse dico, [illegible]

modi dispositionis [illegible]

[illegible] adducto tex. in l. filius [illegible]

[illegible] illas [illegible]

[illegible] eadem leges. bonos mores [illegible]

[illegible] in casu isto [illegible] eadem [illegible] bonos mores [illegible] eadem leges

matrimonij. [illegible]

matrimonium [illegible] contractum non tenet. [illegible]

ff. de verb. oblig. l. [illegible]

[illegible]

[illegible] matrimonium. C. de transact. [illegible]

[illegible] egritudinis expectatio [illegible]

[illegible]

[illegible]

[illegible]

[illegible] nubere [illegible] [illegible] similiter [illegible]

Et tamen minus [illegible] [illegible]

[illegible] in [illegible] [illegible] [illegible]

[illegible] diversam opinionem [illegible]

[illegible] Petri, quod [illegible] [illegible]

[illegible] [illegible] [illegible] quod [illegible]

[illegible]

[illegible] uolui ad maiorem [illegible]

si arbitrarium Titium Seii [illegible]

[illegible] Lucio Titio [illegible]

[illegible] omnis [illegible]

[illegible] [illegible] Quod [illegible]

[illegible]

[illegible] [illegible]

[illegible] cum [illegible]

[illegible]

[illegible] filius [illegible]

[illegible]

[illegible]

[illegible] sub di [illegible]

[illegible]

[illegible] cum sum. Alberi [illegible]
[illegible] Bar. et alij [illegible]
[illegible] omnibus [illegible] ut supra [illegible]

[illegible]

[illegible] insuper [illegible] quia [illegible]

[illegible] adiectis [illegible]

[illegible] ff. [illegible] cum sim. et [illegible]

[illegible] Ciuili, ac iuris [illegible], insistendo quem indicamus ordinarie

[illegible] Prouincia quid [illegible] [illegible] quia [illegible] [illegible]
[illegible] consensio [illegible] magis, quia in [illegible]
Curatoribus illa auctoritas [illegible]

[illegible]

[illegible] D. [illegible] ex alia D. Ricard [illegible]
[illegible] sui omni casu fuit satisfactum conditionib
[illegible] postea dissensit, quia quod semel placuit
[illegible] approbatum [illegible]
[illegible] minus, si licebat Curatori virum habuit cuius consilii [illegible]

[illegible]

[illegible] uniuersam [illegible]

[illegible]

[illegible] unum [illegible]

[illegible] nutrimentum [illegible]

[illegible]

[illegible] animam [illegible]

[illegible]

[illegible]

[illegible] lib. 2. [illegible]

[illegible]

[illegible]

[illegible] amicum [illegible]

[illegible]

tia, aut cuiuntur [illegible] [illegible]

ni epitaph. nepotian. ad heliod.

[illegible]

[illegible] quod [illegible]

[illegible]

[illegible]

[illegible] 131

[illegible] piana [illegible] ex ora [illegible] iudeaei [illegible]
[illegible] dotem [illegible]

[illegible]

[illegible]

... In causa [illegible] magnificum in prin[cipio] ...

[illegible]

... ali [illegible] ad [illegible] ... sicuti mox ... Preterea ... ad habere ...

... scribitur ... ad ... [illegible] ... nulle ... adhuc non [illegible] ... quo ad ...

... ad quod recurrendum est ... aliis ... illa (nisi) ... [illegible]

[illegible]

... confirmatur ... libertatis ... [illegible]

m

... aiio ... excecucio ad ... mitacun mod.
Braida et Pidisin ... si feudalis esset ... quia esset feudum ... in
seu in quo succedit ... femina, ut mox fuit ... 2.º quia
... obtenta per ... 2. ... excecucionem ...
... in mobilibus, ... qui ...
...
... 20. februarii ... 70 ...
...
... ad ... minima, nec ...
nel placitis ... cum ...
noto excepcione feudi ...
... si feudi ... quia ...
...
. 25. Julii in p.º ... fol. 6. 6.º ...
... quod ... illi contrario ...
... Ben. in ...
...
... nel. 4.º ... ipsa licitatio sit lauda...
... de ...
Braida predicta et Pidisin, et ...
consignatum ...
excepcione feudi ... fuerit ... quia terminata..

4.º considero quod pater tenetur dotem sororum ... in ... dotata. l. cum plures. C. de admi. tu... doc. in. l. i. ... sol. ma.
quod si dotem et suo tenetur, tanto magis ... ...
voluntati partis ... cum agnita, ... executa ... ...
...

... 1470. ac lauda ... 25. Julii ...
... mulieri ...
...

sua ... excecucio. 6.º adduco ... chronica ...
et ... in ... 12. 14. 15. ...
ubi tenetur quod fructus feudi ... pluribus anni ...
... dotada filia, uel soror, quod successor in feudo ...
alienacionem renocare. Et si alienans ... erat ...

... quod de mandatum sub die 4. dicti ...

[illegible] d. Eufemie, quatenus dicta
[illegible] magis, cum feudalis ... exi-
tat, [illegible] quod alie sorores fuerunt dotate, [illegible]
[illegible] super eadem [illegible] Corrada, ut [illegible]
[illegible] supra, ergo [illegible] d. Eufemia
[illegible] conditionis, nec ad [illegible]
inter [illegible] equalitas sit servanda. [illegible]
[illegible]
[illegible]
[illegible] supra [illegible] esse [illegible]
feminae excludantur, [illegible]
[illegible], ad [illegible] admitterent [illegible]
[illegible]

[illegible]

[illegible] imo maioris [illegible]
[illegible] adi[illegible] cani.
lib. x. [illegible]

[illegible] ergo exclus. verum fuisse, et esse instrumentum [illegible]

[illegible] [illegible] obiecerat [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible] distracta [illegible]

[illegible] contractus [illegible]

[illegible] dubio [illegible] excessiuo, quod nec [illegible]

[illegible] exclusiua. [illegible]

[illegible] [illegible]

[illegible]

35

[illegible]

[illegible] Sanctae Mariae de Portunaconis [illegible] ex una [illegible]
[illegible] Prolofono [illegible] ex altera [illegible]

[illegible]

[illegible] de anno 1480 [illegible]

[illegible] 1477 [illegible] Junij [illegible]

[illegible]

Camparij de [illegible] commacione [illegible]
Columnis coronae [illegible] in qua nono loco est [illegible]
Commacione [illegible] Rursus [illegible]
[illegible] in [illegible] et [illegible] ex [illegible]
[illegible] 1537 et alias [illegible] usque ad 1512 sub nomine [illegible]
[illegible] 1427 sub nomine [illegible]
[illegible] ex qua [illegible]
[illegible] a [illegible] quibus [illegible]

... [illegible] pluxeris Camerarij confirmationis sue cum columnis in [illegible]. Et hec sunt que utrimque producuntur, que ad causam facere videntur, nunc ad partem [illegible] resolucionem. Et quia queritur [illegible] [illegible] Rationibus [illegible]

[illegible] itaque videtur, quod pars Camerarij verior sit in casu nostro [illegible] ad tenendam motivo [illegible] melius. Consulere [illegible]

[illegible]

Et [illegible] est suspecta, ne fugiat [illegible] illa. [illegible] ad [illegible]
[illegible] et [illegible]

[illegible] persone [illegible], cu[m] [illegible] servatur [illegible] et [illegible] sit [illegible], quia [illegible] in [illegible] [illegible] an [illegible] libertate. [illegible]
glo. in d. l. [illegible] quibus et alii [illegible] addi possunt [illegible] ibidem Jo. [illegible] et Pau. Castr. in d. [illegible] Guid. [illegible] Abb. [illegible] et [illegible] ubi glo. multos ponit casus in [illegible] [illegible] sunt in suspecta est persona, dum quis tendit ad [illegible] timor est dilapidationis fructuum; Cum itaque in casu de quo agitur [illegible] Columnij [illegible] fructuum [illegible] cum ex forma [illegible] domino cedant [illegible] uno [illegible] et uno [illegible] [illegible] semper [illegible], ut [illegible] duos annos [illegible] executione incipere [illegible] [illegible] et alia bona [illegible] multa sub [illegible] tenus [illegible] suis [illegible] [illegible] et [illegible] [illegible]

[illegible] mulieris [illegible] lib. 12. [illegible]
[illegible] uxor. [illegible]

[illegible]

[illegible] et [illegible]

[illegible] [illegible] [illegible] itaque [illegible] ex forma [illegible] ubicunque [illegible]

Perche la sig.ra [illegible] hieri mattina non vide V. S. Ill.ma [illegible] quando già uscita di casa [illegible]
di [illegible] e hieri sera [illegible] [illegible]
[illegible] mal [illegible] per la porta di [illegible] impone a me [illegible]
[illegible], e renderli devotiss.me gratie dell'honore ricevuto, e [illegible]
[illegible] a me [illegible] di [illegible], e di [illegible] al [illegible]
[illegible] in nome [illegible] della pred.a sig.ra Flavia [illegible]

[illegible] 1580.

[illegible] hoc [illegible] quod [illegible] D. [illegible]
[illegible] sufficienter dico [illegible]
[illegible] dicere [illegible] actionum [illegible]
[illegible] esse [illegible] in primis terminandum [illegible] C. de [illegible]
[illegible] C. [illegible] possessorio [illegible]
[illegible] ~~[illegible] bone fidei possessor [illegible]~~
[illegible] fundum [illegible] l. [illegible] si quis [illegible] fundi
[illegible] pub. [illegible] nedum bone fidei posses[illegible]
[illegible] ante omnia [illegible] l. [illegible] C. [illegible]
[illegible] Bart. in [illegible]
[illegible] [illegible] nemo [illegible]
[illegible] possessione [illegible] quisquis ille sit. l. fi. C. ut nemo [illegible]
[illegible] C. [illegible]
[illegible] ante omnia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] lib. x. l. i. [illegible]
[illegible]
[illegible]
[illegible]

[illegible] fol. 58. [illegible] partium [illegible] in [illegible]
[illegible] quibus in [illegible] fol. [illegible]
[illegible] possessioni modo, [illegible] dominii [illegible]
[illegible]

Item [illegible] quod [illegible] [illegible]
[illegible] Consilio [illegible]
[illegible]

[illegible] pena est [illegible] in illa. 2° ad [illegible]
[illegible]
[illegible] servitute [illegible]
[illegible]

[illegible] dilapidationis [illegible]

[illegible]

[illegible] emende [illegible]
[illegible] ex forma [illegible]
[illegible]

n° 2 . m° . . .

partis nec[essa]ria in decessione successori . . . Bal. in l. si piacim . . . veritatem ubi Alex. in prim. et Jas. col. 2 . . . qui sunt . . . Alex. . . . col. . . . 4° vol. et Abb. in c. ij. in fi. de . . . succes. . . . fine.

Praeterea . . . ex hac . . . potuerit . . . videtur . . . nud. . . . in hoc . . . prodit . . . cuius . . . Prodelone . . . loci successo . . . primam esse . . . [illegible] . . . ex . . . indicium . . . . . . C. de . . . C. si . . . l. ij. C. de . . . in . . . possessoris . . . successore . . .

. . . sua . . . cui . . . l. . . . C. ad . . . uel . . . ij. . . . minimo nedum bone . . .

. . . ante omnia restitui tibi . . . l. meminerimus C. . . . col. . . . Calca. in cos. 32 . . . Sermo . . . restituendus est . . . uenie . . . erit . . . assertione . . . restituendus est . . . quisquis ille sit . . . toto tit. C. ne . . . uel . . . ac toto tit. C. ut nemo lic. . . . spoliatus restituendus est ante omnia cum fructi . . . . . . nunc . . . . . . ordine . . . . . . glosa . . . . . . tractatur . . . possessione . . .

. . . maior . . . et . . . quod . . . C. si . . . uel . . . l. i. §. hoc edicto . . . si . . . maior . . . C. ne . . . ex . . . munera . . .

. . . fuissima . . . possessione existendi . . . plenis . . . 20 . annos . . .

. . . nominum memoria . . . leccaciones anno 1416 . . . Januarii . . . fol. . . . . . . semper . . . in . . . possessione . . .

. . . pensionis . . . locatione . . .

. . . Bar. in l. . . . universitate . . . . . . Bon. et . . . 20 n° . . . cos. 16 . n°. . . . qui sit ex locatione . . . ut fuerit . . . Alex. cos. 27 . n° . . .

[illegible]

in. c. similiter. §. si quis de manso. n° 30. 31. de castron. inuest. Bal. in d. l. [illegible]
[illegible] remedium. in p° uol. [illegible] cons. 205. [illegible]
[illegible] cons. 187. col. 4. [illegible] 2°. maximi cons. [illegible] col. 6. [illegible] in 2° uol. [illegible]
cons. 15. in prin. in 3° uol. Corn. cons. 185. n° 4 in 3° uol. cons. 251. in prin. [illegible]
n° [illegible] in p° uol. [illegible] n° 4. ff. de acqui. poss. [illegible]
fructus [illegible] si [illegible] tradit. Bal. in [illegible]
[illegible]

nō cōtra [illegible] tractatu [illegible]
4. de [illegible] Bar. in l. [illegible] §. si [illegible]
[illegible]
[illegible] Bal. in l. [illegible] n° 3. [illegible] Corn.
[illegible] cons. 64. n° 4. cons. 27. n° 1. cons. 182. [illegible]
[illegible] sufficiente solutiones ad [illegible]

[illegible]

nulla alia [illegible] adminicula, ut apud [illegible]
[illegible]
cons. 152. n° [illegible]

bona fides eo ipso [illegible]

[illegible]

[illegible]

... ad suod esse tex ... [illegible]

... ubi doc ... [illegible]

maxime cū sim ... [illegible]

... possessionis in immemorabilis diuersis locationibus ... [illegible]

... indutum fuisse ... [illegible]

... [illegible]

... dominium habuisse, potuisse ipso ... [illegible]

... absque precio fundos ... [illegible]

... et exactioni

[illegible] clerici [illegible] colonum [illegible] vindicatio

[illegible] ecclesie quia possessio civilis non amittitur nisi possessor [illegible] vel [illegible]

[illegible] continuum [illegible]

[illegible] possit [illegible]

omnium circa et iura possedit excidendo [illegible] annis,

[illegible] ut docet [illegible] innovationis 1557 [illegible]

[illegible] 1557 supra qua his [illegible] Fraterna colonus non [illegible] sed [illegible]

§ . 1 . [illegible] sibi [illegible] ac vitar [illegible] sella . l . [illegible]

in [illegible] C [illegible] Maximum [illegible]

[illegible] allegat sequitur [illegible] in cons. 325 . n° 4 . in [illegible] vol. [illegible]

cons. 330 . n° 6 . [illegible] Alex. in cons. 112 . n° 1 . et cons. 33 . n° 1 . in . 6° vol. [illegible]

[illegible]

[illegible] locationis annos [illegible] et [illegible] ecclesie [illegible]

[illegible] ecclesie [illegible]

[illegible] tex. in l . [illegible] si alias [illegible]

42 [illegible] obliari posse . [illegible] acquir. poss. [illegible]

[illegible] iudicare [illegible] ut [illegible] tex. in l . [illegible]

[illegible]

[illegible]

[illegible] acqui. poss. [illegible] loquit. [illegible]

44 [illegible] est tex. in d . l . [illegible] acqui. poss. et [illegible] civitatis [illegible]

[illegible] domino

[illegible] Bal. in cons. 330 . n° 7 . in [illegible] vol. [illegible] Bonon. [illegible]

[illegible] facte [illegible]

alterius [illegible] debet [illegible] locum [illegible]

[illegible]

[illegible]

ubi expressi causam [illegible] compossessores non possunt ad invicem ire in possessio[ne] [illegible]
molestare, nisi alter ab altero, vel clam vel precario possideat [illegible]
sit in possessione immemorabili cum bona fide, et iusto titulo [illegible]
[illegible] D. Florentinus inquietare dictam ecclesiam in sua possessione [illegible]
uno causam non habeat, nec cum clam aut precario possideat [illegible] unusquisque
in sua possessione defendendus est, in sua [illegible] salvo iure cuiuslibet [illegible]
[illegible] si Colussii adhuc possident [illegible]
[illegible] ecclesiae [illegible] confusa [illegible]
[illegible] in corpore [illegible] [illegible] [illegible] [illegible]
[illegible] Colussiorum, successive [illegible] ecclesiae [illegible]
non obstat investitura producta [illegible] investituram non transfert [illegible]
[illegible]
[illegible] possessio [illegible]
[illegible] quia [illegible] non est [illegible] dominio, sed possessionem [illegible] possessione [illegible]
praeterea possessionem D. Florentini esse exclusivam [illegible] ecclesiae, tamen
in sua possessione [illegible] Praeterea [illegible] D. Florentinus, ut [illegible]
[illegible] factum est in personam Colussios credidisse, potuissetque [illegible]
alienare [illegible] ecclesia [illegible] ius contrarium habere ~~a Colussiis~~ [illegible]
possunt casus in quibus ius D. Florentini non sit exclusivum, ut [illegible]
[illegible] fuerint [illegible] coloni, qui ius in [illegible]
[illegible] ius [illegible] colonie [illegible] tradit [illegible]
[illegible] praescriptis 30 vel 40 an. Vel quod eisdem Colussiis fuerint [illegible]
[illegible]
ad causam [illegible] ecclesiae, id quod [illegible]
[illegible] vel aliter, sequitur necessario ipsas investituras non obstare. [illegible]
[illegible] quod investitura asserta 1302 [illegible] fol. 62
[illegible] familiae [illegible] [illegible] D. [illegible] vel [illegible]
producta, vel [illegible] familiae [illegible]
[illegible] [illegible]
[illegible] [illegible] D. Florentinus ex illa [illegible] cumulativae [illegible]
cons. 72. n° 11. et cons. 76. n° 70. vol. [illegible] Rursus in asserta investitura
[illegible] feudum, ut feudum, et [illegible] multa [illegible]
[illegible]
[illegible] investitura nil obstat, quia in dubio [illegible]
[illegible] quod in dubio [illegible] libera [illegible]
[illegible] cum ibi [illegible]
[illegible] Alex. in cons. 120 [illegible]

[illegible] Petro [illegible]

[illegible] bona [illegible]

[illegible] illius [illegible]

[illegible] D. Jo. Bap. Pamialei [illegible]

Quoniam [illegible] multis occupationibus distinetur causa inter Mag. D. Joem Bapt.m Panialeum, et Biscottos [illegible] [illegible] monium [illegible] aiunt [illegible] necessaria tm [illegible] serionis ad [illegible] [illegible] omissis. Puto itaq dictos Biscottos [illegible] in [illegible] obtinere posse, et ad ita tenendu me mouent infrascripta summatim subijcienda. Primo namq considero quod dicti Biscotti solum D. Joannem Bapt.m in ius vocarunt et contra illu sola petitione suam [illegible] runt; At Panialeus contra dictam petitionem excipiendo [illegible] hac usus est exceptione quod [illegible] [illegible] [illegible] ex [illegible] [illegible] Nic. Panialei sed [illegible] dimidia tm et alia dimidia [illegible] [illegible] [illegible] collonte [illegible] [illegible] dicti [illegible]. Unde facta tali exceptione [illegible] dicti Biscotti [illegible] Thomasiu et [illegible] [illegible] petitione. Vam [illegible] id no fecerunt, [illegible] usq ad [illegible] causa [illegible] suam [illegible] solido [illegible] D. Jo. Bap. solu continuarunt, [illegible] ut ille D. Jo. Bap.ta [illegible] [illegible] absoluat [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] itaque [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] pastoralis in prin. et [illegible] tamen hoc intelligitur quo ad hoc, ut [illegible] solutionem [illegible] ab uno facta, no extinguatur obligatio: Verum quod unus tm possit [illegible] solido conueniri nec illa [illegible] hoc [illegible], nec [illegible] [illegible] hoc affirmare, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tex. in l. i. C. si cer. pe. quod [illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible] tex. [illegible] et [illegible] C. si [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] Biscottos no dari nisi [illegible] contra singulos [illegible] [illegible] ad quod est [illegible] tex. in l. ij. C. de libellis [illegible] et [illegible] materia [illegible] Bar. in l. ij. C. [illegible] [illegible] lib. xi. et [illegible] materia l. iiij. §. [illegible] obliga. [illegible] [illegible] [illegible] breuitati. Ex predictis [illegible] colligitur [illegible] [illegible] fuisse actione, et prius continuatu usq ad [illegible] causa. et [illegible] dictos Biscottos, [illegible] petitio [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] missionem [illegible], [illegible] [illegible] [illegible] tex. in [illegible] [illegible] [illegible] [illegible] Bar. in l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] tex. in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] formae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ultima [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] iusta [illegible] [illegible] [illegible] [illegible]

[illegible] ... xxxvii ... [illegible]
[illegible]
[illegible]

[illegible] quia Bicotti [illegible] mali [illegible] [illegible], petra [illegible]
[illegible] in executione [illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] bona [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] libre duor. [illegible]
[illegible] [illegible] qui ad hoc [illegible] aligni [illegible]
[illegible] [illegible] nulli [illegible]
[illegible] D. Jo. Bapt. [illegible] [illegible]
Bicotti ad suu [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] Bicotti [illegible] [illegible] talis [illegible]
[illegible] D. Jo. Bapt. [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] dix. in cap. [illegible] in 2° col. [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
Bapt.[illegible] Pancaldus [illegible] Bicotti [illegible] bona [illegible]
[illegible] [illegible]
[illegible] nu. 2. col. 4° [illegible]

3° me movet [illegible] Pancaldi in [illegible] [illegible]
[illegible] eius [illegible] et antiquos domus et [illegible]
[illegible] et tota illa [illegible]
[illegible] [illegible]
omnia bona [illegible] existentia [illegible]
[illegible] et Pancaldus [illegible] Bicotti [illegible] in
diversis bonis [illegible] [illegible] et domu[illegible]
[illegible] ex cap. [illegible] 40. in [illegible] [illegible]
[illegible] fuisse [illegible] [illegible] D. Thomasius [illegible] ad bona [illegible]
[illegible] illis Bicotti [illegible]
[illegible]
[illegible]
[illegible]

examinati [illegible] 5° [illegible] nedulo [illegible] [illegible] ius [illegible] [illegible]
dem discutti [illegible] sint [illegible] aliena [illegible] Quod [illegible] ex [illegible] [illegible]
et omnia bona sita in territorijs [illegible] nicoli feudalia [illegible]
[illegible] [illegible] Matth. [illegible] afflic. [illegible]
masculo [illegible] [illegible] et [illegible] in alijs [illegible] [illegible]
tur decisum quod in dubio omnia bona feudalia [illegible]
[illegible] feudalem [illegible] [illegible] [illegible] feudi [illegible]
[illegible]
[illegible] omnes [illegible]
[illegible] hoc idem [illegible]
[illegible] [illegible] deductio [illegible]
[illegible]
di [illegible] affirmat quod [illegible]
[illegible]
loco [illegible] no. 8 [illegible]
[illegible] feudi [illegible] feudalia [illegible]
[illegible] castrum cum iuribus et pertinentijs suis, omnia que [illegible]
nomium [illegible] feudalia [illegible] [illegible] [illegible]
[illegible] Afflic. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] villa [illegible] in [illegible] et villa [illegible] pertinentijs [illegible]
[illegible]
[illegible] feudalia [illegible] et ideo [illegible]
nec [illegible] quod [illegible] et titulo [illegible]
[illegible] autoris [illegible] [illegible]
[illegible]
[illegible] aliqui [illegible]
[illegible]
[illegible] loco [illegible]

[illegible] in [illegible] [illegible] [illegible] xx [illegible]
[illegible] memoria in
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] firmat [illegible] principi
[illegible]
[illegible]

[illegible]

20. scrui et Maglio^{re} a^{ll}ic. decis. 252. nu. 2. [illegible] ditionis intellectu [illegible]
21. nit [illegible] afferat. [illegible] mi [illegible] in. l. si [illegible] in ff. [illegible] admi
[illegible] [illegible] [illegible] dicit. [illegible] in dicta [illegible] exhi
22. ab oculos, ut in [illegible] iudicii scriberet. ut ait [illegible] in uer. [illegible]
[illegible] ut nemo [illegible] exceptis [illegible] secundu[m] [illegible]
23. ds. iii. [illegible] in 3° uol. [illegible] in [illegible]
cds. 23. uol. 4°. co^o. [illegible] et premisse maxime [illegible] sunt
in [illegible] diadingrama [illegible]
ac [illegible] similiterque [illegible] ei qui [illegible] secundum Machi[illegible]
a^{ll}ic. decis. 13. nu. 3. et. 4. et hac eadem [illegible] secundum Amb.
24. cds. 172. nu. 4. cum [illegible] sufficiat ad [illegible] et
[illegible] ad [illegible] multa [illegible] cons.
124. nu. 13. et [illegible] [illegible] deci. cds. 20. nu. 4. Mar.
[illegible] nu. 3. [illegible] uol. [illegible]
26. [illegible] hac [illegible] quadragenaria [illegible] probat
secundum Matth. [illegible] a^{ll}ic. decis. 329. nu. 2. et [illegible] ipsa [illegible]
[illegible] Corn. cds. 264. nu. 4. uo. et ad hac opinione in p^o
27. uol. liberationis a nexu [illegible] potestatis inducit [illegible] rex. in. l. [illegible]
[illegible] ut [illegible]
[illegible] nu. 3. uol. 3. Videa
mus [illegible] quod si socium [illegible] socio praeiudicium [illegible]
28. [illegible] si emptor [illegible] secundum [illegible]
[illegible] [illegible] [illegible]
[illegible] minoris [illegible]
29. [illegible] maiori [illegible]
[illegible] alienatio [illegible] rex. [illegible]
[illegible] [illegible] aliena
[illegible] ut ait [illegible] sing. 18. [illegible]
[illegible] [illegible]
[illegible] [illegible] rex.
[illegible] [illegible] in [illegible]
[illegible] [illegible]
[illegible] [illegible] fundus [illegible] dicit [illegible] in [illegible]
uel. 40. an. [illegible] omnes actiones [illegible] et si in [illegible] quae 30. [illegible]
32. [illegible] uel [illegible] quadraginta annorum curriculo excludatur
[illegible] in. l. [illegible] ait [illegible] in [illegible] bona, quae
33. [illegible] ad [illegible] 40. [illegible] minoribus [illegible] ab
[illegible] sentibus, et aliis [illegible] ad [illegible] rex. in. l. [illegible]
[illegible] [illegible]
[illegible] ad [illegible] dicet quispiam quod quamvis
[illegible] existant, tamen in casu nostro [illegible]

[illegible] ut sumus in [illegible] [illegible] [illegible] [illegible]
34 [illegible] matrimonium [illegible] rex. [illegible]
30 [illegible] 40 [illegible] ubi [illegible] [illegible] non [illegible]
[illegible] cum [illegible] [illegible] [illegible] possibilium [illegible]
[illegible] rex [illegible] educationem [illegible] magna in [illegible]
[illegible] [illegible] [illegible] non [illegible] rex [illegible]
35 educationis. [illegible] [illegible] non similiter.
[illegible] [illegible] dixit rex [illegible]
[illegible] longo tempore [illegible] educatur [illegible] [illegible]
rationalia [illegible] [illegible] [illegible] spiritualem [illegible]
37 [illegible] [illegible] [illegible] [illegible] dicuntur [illegible]
[illegible] rex [illegible] cum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex alio non posset in [illegible] [illegible] [illegible] quia [illegible] principio in
38 [illegible] [illegible] vel in diem [illegible] currere [illegible] in [illegible] vel
[illegible] [illegible] in generalibus, [illegible] in [illegible] [illegible] rex
[illegible] cum nobilissimi [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] rex ibi [illegible] [illegible] [illegible] [illegible] [illegible] solutionis [illegible]
[illegible] [illegible] rex [illegible] integram [illegible] [illegible] cum ordinario [illegible]
[illegible] [illegible] in initio cuiuslibet anni, [illegible] [illegible] in initio
cuiuslibet anni [illegible] debere, [illegible] [illegible] [illegible] [illegible]
ordinarium, [illegible] poterit [illegible] [illegible] [illegible] solutionis [illegible]
[illegible] [illegible] ab annis 40 [illegible] [illegible] [illegible]
cum talis solutionibus [illegible] non [illegible] non [illegible]
[illegible] cessabit [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] Sed
nihil [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] dicatur [illegible] ut [illegible] [illegible] [illegible] non possit.
Nec ideo obstat quod sumus in [illegible] [illegible] [illegible] mala
[illegible] non [illegible] [illegible] [illegible] in mala [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tempore [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible]
[illegible] [illegible] accipienda [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

42 [illegible] ex [illegible] dolo [illegible] in [illegible] semper
in dubio bona fide [illegible] dixit [illegible] Corn. cons. 127. nu. 5. in
2° col. [illegible] bona fide [illegible] presumitur [illegible] & Cuma. cons. 5. post
[illegible] 2. col. presumi ait, quod quis [illegible] magis [illegible]. ad quod
[illegible] Corn. cons. 117. nu. 2. [illegible] bona fide [illegible] in p° col. [illegible]
nu. 2. col. 2° qui dicit semper in dubijs bona fidem presumendam. [illegible]
[illegible] in casu isto [illegible] in ius alterius [illegible]
43 [illegible] in bona fide [illegible] si [illegible]
cumulatissime adduxit in cons. 251. col. pr. x°. presumitur. & [illegible]
44 [illegible] error sicut [illegible] soci. cons. 15. col. fi. v°. [illegible] cons. 47.
col. 4. v°. [illegible] & [illegible] cons. 252. col. pr. x°. [illegible] col. 2. [illegible]
Corn. cons. 75. nu. 19. col. 2. & cons. 100. nu. 2. col. 3. [illegible] cons. 20. [illegible]
[illegible] cons. 275. nu. 8. col. 3. [illegible]
45 [illegible] ait si non [illegible] ignorantie. & Bar. in l. [illegible]
[illegible] solum putatiuum titulum sufficere
46 [illegible] posse obijci [illegible]
[illegible] in ius alterius succedentis
& [illegible] obligatione [illegible]
[illegible] cons. [illegible]
47 [illegible] cons. 137. nu. 4. Corn. cons. 17. nu. 9. col. p°. & cons. 100. nu.
[illegible] nu. 11. [illegible] col. p°. Rom. cons. 103. nu. 16. Alex. cons. 2. nu. 9. in
4° col. & [illegible] maxime [illegible] in [illegible] successore, & filio [illegible]
48 [illegible] & [illegible]
[illegible] cons. 105. nu. 9. in 2° col. cons. 32. nu. [illegible] col. p°. [illegible] successor
[illegible] ex sua causa [illegible] ad [illegible]
cons. 71. nu. 7. in p° col. & Jac. mand. & Alex. in cons. 3. nu. 15. in 4°
col. [illegible] nec [illegible] possidendi &
[illegible] si quidem nos sumus in
[illegible] sed in [illegible]
[illegible] subijcitur.
[illegible] maxime [illegible] alijs supra [illegible] bona fide [illegible]
[illegible] in bona fide [illegible]
[illegible] supra. [illegible] si [illegible]
[illegible]
[illegible] nos sumus [illegible] mali [illegible]
49 Adducta [illegible] in nullo [illegible] & Fulgo. in cons.
106. [illegible] 2. col. [illegible] ait [illegible] longa [illegible]
[illegible] ~~[illegible]~~ Rom. [illegible]
in cons. 87. col. pr. dixit sola [illegible] antiqua, in [illegible]
[illegible] titulus [illegible] in casu isto
[illegible] & [illegible] pacto [illegible]

[illegible] et quod [illegible], qui nihil [illegible] [illegible]

[illegible]

[illegible] a die advenientis obligationis: Nam nec illa [illegible] in iure [illegible] et licet [illegible]

doc. eam [illegible] plures [illegible] graviores [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

larissime Corn. cons. 22. in 3.° vol. ubi ad partes disputat, [illegible]

[illegible]

[illegible] et hanc [illegible] communem opinionem [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Corn. cons. 191. in 2.°

vol. [illegible]

[illegible]

in cons. 212. Bar. in l. licentia. §. cum [illegible] ff. de publi. Rain. in cons. [illegible] in

3.° vol. ubi late disserit, et ad partes [illegible]

cludit. Jac. Mich. et alia cons. 28. [illegible] et cons. 58. in 1.° vol. [illegible]

[illegible] cons. 57. nu. 8. et [illegible] multi alii [illegible]

et [illegible] hanc esse communem [illegible] doc. [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] in l. [illegible]

[illegible]

[illegible]

universali habeat [illegible] subalterna, ut in casu nostro, et

[illegible]

[illegible]

S.° [illegible] ult.° [illegible] facta [illegible]

[illegible] et fraude non fuisset sufficiens. Nam

[illegible]

[illegible]

domo [illegible] et a tali onere liberasse, licet instrumenta

pri maribus non habrant. Bella enim multa [illegible] et barbaris [illegible]
[illegible] et [illegible]
[illegible] et [illegible] et [illegible]
[illegible] notarios [illegible]
non ustiuntur [illegible] omnibus plenissime [illegible]
[illegible] medula [illegible] quod [illegible] idem [illegible]
[illegible] solutum, [illegible] libertatis [illegible]
[illegible]
[illegible]
[illegible] repugnant [illegible]
[illegible]
[illegible] maxime in dubijs et obscuris [illegible]
[illegible] iudicandum [illegible]
[illegible] ex diuersis [illegible]
[illegible]
[illegible]
[illegible] in possessione libertatis [illegible]
[illegible] mari. Nec obstat
quod [illegible] fricationis non [illegible], tum quia [illegible] bella et [illegible]
[illegible] fuit, tum quia [illegible]
[illegible] longi temporis [illegible]
long. temporis et facit [illegible] cum citra [illegible] Nec [illegible]
ex [illegible] possessione, et [illegible] fricatio [illegible]
[illegible] quandoquidem uidemus in iure expressum, quod [illegible] difficilis [illegible]
[illegible] in [illegible] bellis, et diuturnis [illegible]
[illegible] admittit [illegible]
[illegible]
[illegible]
[illegible]
alios, et [illegible] aliud [illegible] audire [illegible]
[illegible] Matth. [illegible] 83 nu. 2 [illegible] 314
in l. [illegible] minor [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 187 [illegible] 427 [illegible]
[illegible] 103 [illegible] nu. 2 Alex. cons.
12 col. 2 et cons. 70 [illegible] cons. 53 col. 2 in 3a col. rursusque cons. 20 [illegible]

[illegible]

[illegible] presumptioni [illegible] similitudo [illegible]

[illegible] maxime [illegible]

nam [illegible] mirum [illegible]

[illegible] in [illegible] indicia [illegible]

[illegible] dixerit [illegible]

indiciis [illegible] argumentis [illegible] matrimonii quoque [illegible]

ut in l. [illegible] mulier [illegible] indicia [illegible] probatur

ut in l. dolum. C. de dolo. Bar. in l. ex lege [illegible] indicia [illegible]

[illegible] in l. [illegible]

[illegible] salomonis [illegible]

quo in lib. 3. reg. cap. 3. [illegible] possessio [illegible]

si quis iam [illegible]

[illegible] ut no. Bar. [illegible] Celsus. [illegible]

[illegible] usucapio. [illegible]

[illegible]

possessionis [illegible]

[illegible]

[illegible] ex [illegible]

[illegible] manifestissima [illegible]

[illegible]

[illegible] maximi

[illegible]

[illegible]

[illegible] minimus.

[illegible]

[illegible] ... [illegible] causa [illegible] inter [illegible]
[illegible] Gallia [illegible] tractandu
[illegible] annui [illegible]
[illegible] ad [illegible]
[illegible] sub hac [illegible] formatus
[illegible] in quo [illegible] Gallia [illegible]
[illegible] quasdam [illegible] divisiones, et [illegible]
[illegible] Gallia [illegible]
1. victoria [illegible] cum Commune [illegible]
[illegible] qui [illegible] maximi [illegible]
[illegible] produxerit, ex quibus [illegible] in possessione [illegible]
[illegible] antedictum per annos circiter 70 hoc est ab anno [illegible]
ad 1500 inclusive, [illegible] possessio [illegible]
praescribendi [illegible]. Sed [illegible] minime obstantibus [illegible]
[illegible]
2. [illegible] considero naturam [illegible] bona [illegible]
[illegible]
3. [illegible]
[illegible] alicuius [illegible]
4. [illegible]
5. Et dixit [illegible]
[illegible] excaptione [illegible]
[illegible] ex quo apparet [illegible] commune [illegible] facta [illegible] cum
[illegible]
[illegible] Et [illegible] nō teneri ad [illegible]
6. Et si affirmas [illegible] posse; et [illegible]
[illegible] sit omni affirmationi [illegible] lib. 1 [illegible]
7. Et magis rem scire dicatur is, qui eam scit affirmative, quam qui [illegible]
[illegible] philoso. 3 metaphi. 3 quod et [illegible]
8. [illegible] duos affirmantes mille negantibus praeferri [illegible]
[illegible] in suo [illegible]
[illegible]
[illegible] considero, quod Gallia [illegible] sibi [illegible] praesupposito quod [illegible]
[illegible] sicuti in [illegible] tenetur. Nam instrumentum divisionum
[illegible] inter [illegible] nullum habet [illegible]
[illegible] inter alios [illegible]
10. commune [illegible] aliena dividere [illegible]
[illegible] facto [illegible] aliena [illegible] et facit tex. in l. [illegible]
[illegible] Gallia [illegible] siquidem

exemplo pnitiosu est ut ei scripture fides adhibeat, qua [illegible] adno [illegible]
pria sibi stbitoe cstituit. ut ait tex. in l. exemplo. C. de pba. et [illegible]
est, quod scriptura priuata fidē nō facit ꝓ scribēte, licet Ludo. cū sic. ꝓ no.
i doc. in l. admonēdi. ff. de iureiur. et in l. quidā. §. nūmularios. ff. de
edēn. cū sim. et quidem acquisitiones scribat omnia nō pnia sed tabulā [illegible]
mi, atr daret materia, quod cplure multa pō huic [illegible] inferrentur ꝓ terra, ut
sic sibi acquireret unde nimiū i priuatę scripture nō credit, maxime qā
hoc casu, in quo tractat de notabili preiudicio ꝓrum seruientū solidi
[illegible] ut supra. Praeterea et sic 3o. deficit iudex [illegible] titulū [illegible] nō
modo nō ostēdit uno nec allegauit, unde nullo pacto potuit prescriben, cū possi:
dens sine titulo et nouitia nō prescribat tex. in l. fi. C. [illegible] quib. casi. [illegible]
[illegible] preceip. et tex. in l. fi. ubi glo. C. de usucap. pro hered. dixit sine titu:
titulo hereditatis nō posse. [illegible] [illegible] exhibi.
l. si is [illegible] C. de prescrip. lōng. temp. et [illegible] possessio sine titu [illegible]
[illegible] sine tit. [illegible] perdat. est tex. in l. [illegible] C. de acquird poss. et in l. nec [illegible]
[illegible] C. de [illegible] l. diutina. C. de prescrip. long. temp. l. fi. C. de [illegible] et
glo. in d. l. fi. C. de usucap. pro hered. in uer. [illegible] [illegible] adduxit et in prescrip:
tione [illegible] cū exactione [illegible] causa titulū requiri
[illegible] ꝑ par. in c. si diligenti. ubi Doc. no. et maxime [illegible] prescript:
[illegible] [illegible], ut quia ut [illegible] libertas et persona [illegible] libertatem
[illegible] ut hoc casu. doc. no. post glo. in d. c. si diligenti et in c. i. de prescrip.
in 6o. et Bar. in l. si ades in tuis ff. de serui. urba. predio. Nec dicatur pos:
sessionē [illegible] diutina. [illegible] 27. [illegible] et titulo habenda, quia [illegible]
[illegible] nō est modus tollendi, uel inducendi obligationis. l. obligationum fere.
§. placet. ff. de actio. et oblig. [illegible] falsiones cursu temporis nō
[illegible]. l. sicut falsi. C. ad l. cor. de fals. et longa possessio [illegible] nō
inducit [illegible]. l. seruū commune. C. fam. ercis. [illegible] ait Bar. in l. si maior,
[illegible] C. de [illegible] [illegible] si possedi [illegible] [illegible] x. annos [illegible] dicens
[illegible] [illegible] meā ac eam emisse et [illegible] ꝓ hanc [illegible] quia x. annis
possedi nō ualet. quia tit. nō praecedenter ex sola possessione presumitur, ut
[illegible] l. [illegible] [illegible] et sim. facit [illegible] quod tradidit Bal.
in c. [illegible] sub n. 7. de [illegible] ut possit legitima praescriptio pro:
cedere quatuor requiruntur, pō tit. 2o. traditio, uel acquisi. 3o. bona fides.
4o. et [illegible] cōtinuatio temporis. [illegible] [illegible] quod fundamentum [illegible] [illegible]
[illegible] cā adducta [illegible] nec allegant [illegible] [illegible]
[illegible] cōs. 25. n.o 89. [illegible] [illegible] [illegible] [illegible], et facta
nō presumitur nimirū si [illegible] [illegible] tradi. [illegible] [illegible] in c. i. de prescrip.
in 6o. et Abb. in cōs. 82. in 4o. uol. [illegible] [illegible] [illegible] [illegible]
nō sufficere [illegible] prescriptionē nisi [illegible] [illegible] [illegible]
ut tit. bona fides, [illegible] et alia de quibus [illegible] glo. in c. [illegible]
de offi. ordi. Bar. in l. uni. C. de usucap. trans. Bal. cōs. 307. in 3o. uol. [illegible]
in cōs. 104. n.o 121. Romani de Rom. [illegible] 7. n.o 4. et [illegible] in nouis et Corn. in
cons. [illegible] [illegible] in 3o. uol. dicit ex sola praescriptione

24. obligationi nec acquiri nec personali actioni. facit et quod dixi. And. in c. cum
25. l. si creditores. n°. 17. C. de pac. ubi allegat. et in uno verso. ff. de usur. ubi saltem
dicit dixit prescriptionem quam ex una praestatione illicite de aliis sequuntur non trahi.
26. Sed in milituidine et interminis dissentientis mix varie absolvit Guid. pap. in
cons. i. n°. 10. et tradit decis. delphi. 406. 407. 408. nervus decis. 97. n°. 13. et 14
quod ad acquisitionem annuae praestationis longo tempore [illegible] ex. de. m. d. l. ff. in
uno verso. ff. de usur. requiritur [illegible] quod post praestationem annuae praestationis dominus absolvit durantem et post admissionem
annue soluerit longo tempore alia ut ex illo tempore possidere
quasi et non ante ius annuae praestationis quia ut dixi et non ante videri
fieri solutio iure sententis. Iurans in suo iudicio negatoria et annuae
praestationis si titulus saltem non allegetur ex sola possessione nunquam quaeritur ius exigendi annuam praestationem [illegible]
[illegible] allegari in specie, licet postea non probetur. puta ex contractu
emptionis, locationis. et ita sola longa possessio non sufficeret. Unde cautus
advocatus allegat enim quod sibi debeat ex singulari et tunc sufficit probare
annuam praestationem longo tempore sibi fuisse solutam quia non [illegible]
27. nec emptionem, nec permutationem, nec locationem et [illegible] esse communem
doc. sententia firmat Guid. pap. in d. cons. p°. et in omnibus locis supra
alle. et haec omnia tenet doc. praecipue Alex. Jas. et alij in l. si certis
annis. C. de pac. faciunt et dicta per Bar. in l. ij. C. de [illegible]
28. ff. tex. in l. hoc iure. § ductus aquae. ff. de aqua quotid. et aestiv. ubi dixi. et
quod in servitutibus [illegible] hoc casu, quia ubi semel solutio
prescriptio tempore determinato, nunquam acquiritur ius, nisi [illegible] cuius contrarij
hominum memoria non existat. et negatoria secundum eum ibi tollitur 30. annis tantum
modo praecedentibus solutionibus, et interruptionibus ab annis 30. [illegible]
n. 30. cum, quia [illegible] quod habet iure ante solutionem petitur negatoria [illegible]
tari [illegible] et [illegible] consumptio resultans ex praestationibus annuis non est iuris
et de iure secundum Alex. cons. 113. in p°. vol. et Jas. in d. l. si certis annis. col. 4.
[illegible] cum praescriptio incipiat omnino in initio cuiuslibet anni ex quo incurrit
[illegible] deinde solutionis [illegible] et inter [illegible]
[illegible] sunt anni [illegible] initio cuiuslibet anni inchoari praescriptionem. item et
[illegible] quod nunquam completur praescriptio nisi sit lapsus tanti temporis, quod memoria
hominum in contrarium non existat. Guid. pap. d. decis. 406. [illegible]
et [illegible] concludit [illegible] Jac. ff. an. Rayn. [illegible]
Cy. Bar. Bal. et [illegible] in iudicando et consulendo [illegible]
[illegible] magis communem. tradunt doc. in l. sicut. C. de praescrip. 30. ann. 40. an.
[illegible] ff. de usur. et in d. l. si certis annis. Rip. lib. 2. respon. cap. 4. col. fi.
et lib. p° cap. 15. doc. in l. [illegible] novissimi. C. de praescrip. 30. vel 40. an. Corn.
cons. 49. n°. 4. et 7. in 2°. vol. [illegible] 8. [illegible] nervus cons. 22. n°.
1. 20. 23. et cons. 143. n°. 11. in 3° vol. Jac. mand. ff. alb. in cons. [illegible] n°. 38.
et Alex. cons. 30. n°. 12. col. pr. in 5°. vol. et cons. [illegible]

[illegible] ... 80 ... [illegible]

[illegible] ... 77 ...

[illegible] ... prescriptioni ... adversus solutionem annuam ... [illegible]

[illegible] ... nisi esset ... [illegible] ... memoria hominum ...

[illegible] ... acquisita ... immemorabilis ... [illegible]

[illegible] generationis ... [illegible] ... concessionem

[illegible] ... et prescriptionem et possedit commodo 27 annis, quod fuit

spatium immemorabilis ... asserta possessione et prescriptione ... non

esse ... [illegible] ... fortificatur ...

31 [illegible] ... prescriptionem ... [illegible]

fulg. cons. 64 ... cons. 84 ad fi. et cons. 108 ac cons. 123. Alexan. ... [illegible]

... n.º 27 ... [illegible]

Soci. cons. 86. col. ... [illegible] ... et cons. 106. col. 4 ... [illegible]

vel ... [illegible] ... refugium ... et ... minime ...

32 tendenda. Faciat ... [illegible] ... secundum glo.

in l. sicut ... [illegible] ... prescrip. 30 vel 40 an. ... [illegible]

[illegible] ... bona fidei ... [illegible]

[illegible] ... [illegible]

[illegible] ... usucap. ... affllic. et ... [illegible]

[illegible] ... infra 30 ... n.º 41. ... Bal. in c. i. §. ... [illegible]

33 [illegible] ... prescriptio longi temporis

[illegible] ... sine ... [illegible]

[illegible] ... cons. ... n.º 6 ... et Corn. cons. ...

4 ... [illegible] ... prescriptio nulla ... universitati ...

34 [illegible] ... universitate ...

[illegible]

domi. ... [illegible] ... verbo ... [illegible]

[illegible] ... domi. ... [illegible]

quod ... [illegible] ... solutionem factam nomine universitatis

[illegible] ... et ... [illegible]

[illegible] ... solutiones factas universitati ... [illegible]

[illegible]

35 [illegible] ... universitatis nomine factam ... [illegible]

[illegible]

[illegible]

[illegible] universitatis ... [illegible]

[illegible]

[illegible] ... sed et dolo ... glo. in rub. ... [illegible]

[illegible] ... omnes ... [illegible]

36 [illegible] ... quod marg. ff. ad municip. l. nulli ... [illegible]

quod cuius universitatis ... [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

p ... Sed hic obijcitur fortasse ex ... partis ... possessione ... ... in una ... dicat, quod isti ... signor ... ... anno 1497 ... sequitur illud quod dicit Bar. ... ... possessio ubi ait, quod qui possidebat ... anni ... et hodie possidet et medio tempore possedisse ... quod possessio ... temporis ... dixit Bal. ... col. ... And. Barb. ... 37 col. ... ... col. 3 ... uol. ... quod dixit ... accidentibus ... ad probandam ... ... finis ... haec ... possessio uidetur ... ... ad obscuritatem ... in iure ... in casu ... ad quod ... considero infrascripta subijcienda.

1°. considero quod ... remedium ... iuribus personalibus ... Bar. ... Bal. ... ... et ...

... ut sequitur ... possessionem ... ... in ... Sed ... incorporalibus ... ... et alij in ... ... Anto. Bar. ... ... diuersis ... ... ad ... gl. ... aequi ... in l. nec ... ... in ... adducitur ... gl. in ... ... ad ... doc. ... ... libera ... termino ... doc. ... in 6° ... Bar. ... ff. ... ... obligationis ... obligationem ... ff. ... aut ... ... possessio ... ... in maior ... possidi ... uolo dicere ... ... possessionis ... ... ex sola ... ... Bal. ... dicitur ... magistratus ... ... quod legitima perdat ... titulus, traditio ...

vel quasi, bona fides, et continuatio temporis. et hinc est quod allegans possessionem [illegible] non sufficit, sed oportet eam probare cum suis qualitatibus [illegible]
.80. [illegible] quia cum [illegible] consistat in [illegible]
[illegible] quod factum non presumitur, nisi probetur. phil. franc. in c. i. et [illegible]
[illegible] in cons. 82. in [illegible] col. [illegible] in [illegible] quod non
[illegible] bona fi[des]
continuata possessio [illegible] ali[as]
Bar. in l. cum [illegible] C. de usucap. trans. Bal. [illegible] Paris. cons. 104.
.121. Domini de Rota, Decis. 7. nº. 4. et Ba. in nouis. et Corn. in cons. 148. nº. 5. [illegible]
[illegible] col. ait ex sola praescriptione obligationis [illegible]
[illegible] actionis non acquiri. [illegible] dicunt Alex. in [illegible]
.17. l. de pac. ubi allegat tex. in [illegible] ex
[illegible] ad alias servitutes non trahitur. [illegible]
[illegible] quod et tradidit [illegible]
[illegible] 507. 508. [illegible] 631. nº. 18. et 19. quod ad acquirendum annuam
.18. [illegible] lib. in [illegible]
quod [illegible] annuae praestationis [illegible]
[illegible] soluerit longo tempore, quia tunc ex illo tempore incipit possidere
vel quasi ius annuae praestationis, et non ante, quia tunc, et non ante, cadere
.19. [illegible] solutio tamquam servitutis. Praeterea in huiusmodi [illegible] iudicio si,
[illegible] non allego [illegible] ex sola [illegible] quam ius exigendi annuam [illegible]
[illegible] personalibus [illegible] in [illegible] causa [illegible]
[illegible] ex [illegible]
ex [illegible] quia [illegible] sufficit [illegible] annuam [illegible] tempore, [illegible]
fuisse solutum nec aliud [illegible]
locationis. et hanc esse communem doc. sententiam firmat [illegible]
[illegible] et alij [illegible] omnia [illegible]
[illegible] in l. [illegible] curso, et in l. si certis annis [illegible]
[illegible] facit et dicunt [illegible] Bar. in [illegible] C. de servi. et aqu. [illegible]
[illegible] ductus aquae. ff. de aqu. quoti. et aesti. ubi dicit quod in servitutibus [illegible]
[illegible] distinguenda [illegible] hoc casu, quia non [illegible] solutio [illegible]
[illegible]
[illegible] Alex. cons. 113. in [illegible] col. et Jas. in d. l. si certis annis. col. fi. [illegible]
[illegible] principio cuiuslibet anni [illegible]
[illegible] diem [illegible] non sit [illegible] obligatio, sequitur hoc esse [illegible]
22. [illegible] anni [illegible] principio cuiuslibet anni [illegible] inchoari [illegible]
[illegible]
[illegible]
[illegible] fuisse [illegible] Jac. de are. Ray. Cy. [illegible] Bal. [illegible]
[illegible]
nº. 4. et 7. in [illegible] col. et cons. 181. nº. 71. et 76. [illegible] col. [illegible]

[illegible]

[illegible] Eximior. Nec unde [illegible] dicta [illegible] lite extitit, [illegible] Clemi [illegible] in possessione [illegible] cum veneficio tamen [illegible] sue Clarae [illegible] confirmatam. [illegible] inventarii [illegible] ipsa parabat, reperit [illegible] omnia fere a [illegible] occupata, potissimum a [illegible] Cannonius, qui [illegible] dederunt. L. Domum suam [illegible] tandem vivens [illegible] liberaverat. G. [illegible] Biada [illegible]

[illegible] plerique occultarunt [illegible]

[illegible] qui [illegible] clamor haberetur [illegible] Rebus [illegible] gestis [illegible] Clero † vicit eandem et post [illegible] in curiam, quoniam [illegible] obtinuit Clerum [illegible] B. qua in re [illegible] quantum [illegible] dedit, quas [illegible] suos sudores, suas [illegible] curas, et animi perturbationes sustinu[illegible] Nullus tunc [illegible] litigator, [illegible] rei [illegible] ex Camilli labore, et [illegible] [illegible] Solus ipse litigatus est [illegible] sudores exhausit. Solus [illegible] spem [illegible] [illegible] cecinit. [illegible]

† [illegible] R. [illegible]

[illegible] L. [illegible] 6.

† [illegible]

[illegible] 3.

[illegible] ab alia [illegible]
[illegible] Unde [illegible]
[illegible] actiones sustinere [illegible]
[illegible] ex tantum [illegible] mortem [illegible]
alijs [illegible] concurrere [illegible] in tanto [illegible]
[illegible] obtinere [illegible]
quod [illegible] liquidatum fuit in [illegible]
[illegible] dum Camillus iam [illegible] capite [illegible]
[illegible] vulnus imprudens accepit: ipso namque [illegible]
[illegible] causa [illegible]
[illegible] pro antea [illegible] servandis, et in [illegible]
Camillus obtinuerit ab Excelso Consilio .x. cum additione [illegible]
[illegible] B. [illegible] uno ictu grande edificium
[illegible]

[illegible]

[illegible] dispositionē [illegible]

[illegible]

[illegible] vel [illegible]

[illegible] malicia [illegible]

[illegible] iudici [illegible]

[illegible] Quod aut [illegible]

[illegible] cui [illegible]

[illegible] ubi [illegible]

[illegible]

[illegible] pari [illegible]

[illegible]

[illegible] Et [illegible]

[illegible]

[illegible] relatione [illegible]

[illegible]

p quibusdam [illegible]

[illegible]

tam esse [illegible]

[illegible]

[illegible] ex [illegible]

[illegible]

[illegible] nec [illegible]

[illegible]

[illegible]

[illegible] ultimo eodem

[illegible] Nunc autem [illegible]

[illegible]

[illegible]

.1. [illegible]

[illegible]

.2. [illegible]

[illegible] bona & clie. [illegible]

.3. [illegible]

[illegible]

.4. [illegible] in corpora: [illegible]

[illegible]

.5. [illegible]

[illegible]

[illegible]

observationes [illegible]

[illegible]

[illegible]

[illegible]

[illegible] sicuti caut[illegible]

[illegible]

[illegible] non mal [illegible]

[illegible]

[illegible]

[illegible] 30 [illegible] 52 [illegible] 4 [illegible] 14 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ultima [illegible]

[illegible]

[illegible] sottoscritione [illegible]

[illegible]

[illegible]

[illegible]

[illegible] ergo in ipso libro [illegible]

[illegible]

[illegible]

[illegible] la gratia [illegible] mandarm [illegible]
[illegible] presente, et chi risolsi rimandarla, et supplicar
[illegible] tutta [illegible]
[illegible], però che non negò cosa congiugna
dall'altra, che mi ha [illegible] altre volte, à qual
[illegible]
[illegible]
[illegible] de inequale; [illegible]
[illegible]
[illegible]
[illegible]
[illegible] et [illegible]
[illegible]
[illegible] per sempre, col [illegible] senza fin [illegible]

[illegible] ex instructione aut [illegible]

6°

[illegible]

[illegible]

[illegible] *cum facti* [illegible]

[illegible]

[illegible] *cu dim.* [illegible]

[illegible]

[illegible]

[illegible] ad [illegible]

[illegible]

[illegible] Alex [illegible]

[illegible]

[illegible]

[illegible]

[illegible] positione ejusdem [illegible]

[illegible] Canali [illegible]

[illegible] fol. 20. et 21. in meo [illegible]. Unde cum duo sint testes, sufficien[s] est ablatio, quia in ore duorum vel trium stat omne verbum [illegible] cap. 18 [illegible] cap. [illegible] in modo cum sumus in actu clandestino, [illegible] natura, unius testis sufficeret, [illegible] non omnino [illegible]. Porro quod clandestine paulatim [illegible] asportaverit e capsa domi minorum existente omnes pannos sericos capsa [illegible] inducendo plene ex ipso quod Joseph [illegible] aurum [illegible] in [illegible] mortis [illegible] anti, et ex ipso quod post mortem [illegible] diuturnam dictorum pannorum [illegible]

[illegible]

[illegible] modo, cui credendum est [illegible] et sic persona [illegible] fuit domi minorum [illegible] ea quae domi [illegible] orationis ~~[illegible]~~ domi [illegible]

[illegible]

[illegible]
[illegible] dicti [illegible]
[illegible] Io. anno [illegible]
[illegible]
versus 3 D. Ravenna [illegible] 12 [illegible] [illegible]
Joannes ipsos [illegible] suo [illegible] [illegible]
[illegible] potissimu [illegible] olim [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Jos [illegible]
[illegible]
eo viso, quod Josephus voluit Joannes [illegible]
[illegible] modum [illegible]
D. Jo. Bap. [illegible] 14
[illegible] Ioseph [illegible]
[illegible] quod ex dictis constat, quod [illegible]
dicta Serica ad se non pertinere. [illegible]
[illegible] satis apparet [illegible] sic [illegible]
Serica [illegible]
[illegible] copia
[illegible] iustificata. Quis esse dicet [illegible]
[illegible] Iosephum ex [illegible] tot [illegible]
[illegible] potissimum chiromantie [illegible]
[illegible] cum chiromantia sic [illegible]
[illegible] Ioseph, hac [illegible] dicta est [illegible]
fuisse [illegible] Ioseph [illegible]
[illegible] Jo. [illegible]
[illegible]
[illegible] Josephi [illegible] eximit [illegible]
[illegible] Fabricij malis
[illegible]
[illegible]

[illegible]

[illegible]

[illegible] esset, Veritatem exhibitia decet, [illegible] in [illegible]
[illegible] domini omnibus [illegible] nec [illegible]
Excedir [illegible] [illegible] [illegible]
[illegible] comitent; [illegible]
[illegible] omnia [illegible] filii subiata [illegible]
[illegible] [illegible] est fundamentum illius [illegible]
[illegible] iob n.° 6
[illegible] eds. 94. n.° 6. in 3.° [illegible] et vona, [illegible]
[illegible] in ds. 7. [illegible]
[illegible] quod si quis [illegible]
[illegible] aut [illegible] excedit [illegible] factum [illegible]
[illegible] [illegible] [illegible]
[illegible]

[illegible] ferociti [illegible]

[illegible] ex adve[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] exci[illegible] [illegible]

[illegible] manife[illegible]

[illegible]

... dicitur absens. [illegible]

affici. decis. 13. n°. 14. Abb. in c. [illegible] et maxime. Bal. in l. [illegible]

[illegible] Cum autem hoc casu agatur [illegible] in [illegible]

[illegible]

[illegible]

serica, quia minoris [illegible] bona sua hoc facto distrahi, et subtrahi [illegible]

[illegible] ab eo, cui accidebat [illegible]

[illegible]

[illegible] fuit: nam [illegible] sit cum [illegible]

[illegible] decis. 1108. n°. 2. in [illegible]

[illegible] hoc casu [illegible] dubitari [illegible]

[illegible] quod [illegible] in [illegible]

[illegible]

cor [illegible]

[illegible] uiduus nō [illegible] concurrentibus [illegible] [illegible] [illegible] [illegible] acod

tradit nō . [illegible] Seddū in [illegible] tit. soci. in cōs. 120. col 2. uers. [illegible]

ubi ait forte [illegible] hunc nō admitti ad iuratoriā cautionem

inveniat fideiussores, ad quod multa [illegible]

[illegible] nisi [illegible]

[illegible] quia fideiuss

[illegible]

tosses ad fine [illegible] col. ord. [illegible]

[illegible] nō sufficit cautio de [illegible] uni [illegible]

[illegible] iudicandi quando ut dicit [illegible] 180. nº 4

emere

iudicandū . 2 . D.

[illegible]

[illegible]

[illegible] gabriellis [illegible]

[illegible]

[illegible] 12

[illegible] expositio [illegible]

[illegible] D. Galvani nullo facto [illegible] quia
ex nostris praecedentibus satis constat auctoris q. D. [illegible]
[illegible] ad factum hanc Talea militia equestris [illegible]
et quod isti heredes sint ex [illegible] nominatos in
dictis nostris [illegible] [illegible] [illegible]
[illegible] col. 7. [illegible] et [illegible] 8. [illegible] [illegible] [illegible]
[illegible] in [illegible] quae nostre sunt fol. ? [illegible]
[illegible] autentica scriptura, tamen [illegible]
D. Collateralem [illegible] e libris S. Marci, quibus libris
est adhibenda fides, tum quia sumus in antiquis. [illegible] no. in c. ad
[illegible] de praescrip. c. cum olim, [illegible] de Censi. c. [illegible] lib.
[illegible] c. cum causa de [illegible] tradit quod [illegible] 194
[illegible] 357. ac [illegible] de antiqu. temp. passim [illegible]
[illegible] cons. 57. in [illegible] col. et [illegible] cons. 18. in 3.° [illegible]
[illegible] in p.° col. [illegible] locis, ubi doctores [illegible]
[illegible], verba [illegible], et alia consimilia [illegible]
[illegible] quia est fisci liber, et [illegible] fisci libros [illegible]
qui in simili tradit Cran. in cons. 158. in p.° col. [illegible]
aut, quia et privati liber probat quando [illegible]
[illegible] n.° 17. ff. de iureiur. Bal. [illegible]
[illegible] cons. 319. col. x. [illegible] et hinc est [illegible] in 3.° col.
[illegible] libri [illegible]
[illegible] D. Galvani sint in possessione [illegible]
[illegible] Nempe quia ab anno 1507 [illegible]
[illegible] facta, et [illegible] possessio [illegible]
[illegible] sed tamen ult.° [illegible] nulla facta est, [illegible]
[illegible] ac si anno [illegible] praeterito facta fuisset
et [illegible] possit in [illegible] onus [illegible], et toto [illegible]
[illegible] bona [illegible] [illegible]
in 1514. 13. martii [illegible] depositionibus factis ad
[illegible] actorum et [illegible] ex scripturam ult.° loco [illegible]
[illegible] onus,
[illegible] naturam. ff. de [illegible] cum sim.
[illegible] praemissa ex [illegible]

[illegible] is. altera [illegible] die x. [illegible] 1500. altera vero
7. novembris 1515 [illegible] autores eductores
inter se concordasse [illegible] rata [illegible] quas [illegible] et qualis
[illegible]
[illegible] et sic ex ipsis apparet eorundem [illegible]
obligatos esse ad contributionem. Quam aut[em] sic [illegible]
dicemus.

[illegible] fuerit [illegible] nunc sit [illegible] inter consortes
[illegible] et heredes q. d. Galvani [illegible]
esse [illegible] d. Bernardus de Valvasono [illegible]
[illegible] contribuere et [illegible] sicut [illegible]
fideli [illegible] Cossani [illegible] fol. [illegible]
et [illegible] non fuit in hoc [illegible] Cossanis aut Val[vasonis]
[illegible] tantummodo [illegible] heredibus. d. Galvani in [illegible]
[illegible]

[illegible] heredes ex eo [illegible]
[illegible] in nostris antiquis scripturis reperitur: quoniam antiquitus
castri [illegible] consortes una cum Cossanis, et autoribus Valvasonis
[illegible] Galvani faciebant. 6. equos, et [illegible]
consortes faciebant 4. equos, Cossani unum, et Valvasoni
[illegible] Galvanus unum. et sic ipsi [illegible] cum Valvasonis
[illegible] 6. [illegible] sic modo cum nunc duo [illegible]
[illegible] cum dimidio. 5. heredes [illegible] Consortes
[illegible], ~~duo cum~~ dimidio Cossanos, et duo cum dimidio Valva-
sonos, et ~~heredes~~ heredes d. [illegible] et sic ad [illegible]
[illegible] ipsi heredes.

[illegible], quod [illegible] consortibus [illegible]
iurisdictionem, [illegible] alij multi in [illegible]
ad [illegible], [illegible] habent iurisdictionem [illegible]
contributio quidem non fit [illegible]
feudalium, quae cum possideant dicti heredes, non possunt [illegible]
contributionem. [illegible] quod consortes nob. Calv[anorum]
faciunt equos [illegible] cum [illegible] Cossani vero et heredes d.
[illegible] Valvasoni faciunt equos [illegible]
appellatos Valisoni, qui [illegible] in bello omnis consortibus.
et haec in [illegible] omnibus notoria. Hec ob. [illegible]
ex [illegible] heredes tantummodo ad tertiam [illegible]
[illegible] ex nostris constat [illegible] cum Valvasonis [illegible] 6. [illegible]
[illegible] et sentire ipse [illegible]

aut sit portio [illegible] ex [illegible] [illegible] [illegible]
ex dictis [illegible] quia, quarum, de [illegible] [illegible] [illegible]
reliquis non, tamen non facta cum consortibus nob. [illegible]
Quibus [illegible] sui [illegible] confirmari [illegible] mandara
Dnos Consortu, [illegible] clarari, quod dicti [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
6. parte tota, una cum [illegible] [illegible]. [illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

cessacis, et praecipue ex impraemissis [illegible] 1°. quia [illegible]

1549. in quo videtur fundari asserta praenotatio, fuit [illegible]

malis artibus extorta a [illegible] sonis, nec valde [illegible]

cer. maxime falsissimis subsistentibus causis in eo [illegible]

[illegible] expressis in dicto, in tumptio sunt falsae, colliam [illegible]

[illegible] cum ex eo, quod in exercitione dicti in numeri dicitur, quod [illegible]

[illegible] Mariae [illegible]

2° [illegible] hoc a [illegible] aberiae, siquidem [illegible]

[illegible] subordinatas [illegible] maior, 4t° [illegible]

[illegible] novo tamen loco [illegible]

[illegible] in 2ª sententia subordinacionis fol. 20. [illegible] 90.

[illegible] quia postea exclusa, ut supra ex [illegible] nec [illegible]

[illegible] subiectio, maritor, ideo in [illegible]

[illegible] fuit nullius ara. l. [illegible]

des. 38, in 4°. [illegible] ad [illegible]

[illegible] Decis. 402. col. 5. n°. 20. [illegible] 21. l. [illegible]

[illegible] iure insinuatis [illegible]

[illegible] causa. 2° [illegible]

[illegible] d[illegible] subditionis [illegible] De forma

[illegible] quae [illegible] exigit, ut [illegible]

[illegible]

[illegible] obligacioni [illegible] dicta [illegible]

[illegible] fontesgemi [illegible]

[illegible] mariti [illegible]

[illegible] forma [illegible]

ut dicit Alexia. in c. [illegible] n°. 200. [illegible] forma [illegible]

subsequitur [illegible] forma [illegible]

[illegible] modis

[illegible] forma [illegible]

[illegible]

Alex.

Alex. in cons.

in aliquibus locis dicit

dispositio, que postea annullat, si forma

dixere doc. ubi supra

forma ulterius non sed ad annullande

sub

quod forma

Presumptio

in loco

[illegible]

[illegible] potissimi mulier enim [illegible]

[illegible] ad [illegible]

[illegible]

[illegible]

[illegible] remo [illegible]

[illegible] pijs [illegible] seruitorum [illegible] vendit arcolomiani [illegible]

[illegible]

[illegible] fuisse statu iuramento et [illegible] minus [illegible]
[illegible] tempore, [illegible] nec [illegible], nec [illegible] obaturos [illegible] sunt, [illegible]
[illegible] ~~[illegible]~~ ad publicationem [illegible] ad [illegible]
[illegible] in [illegible] in loco [illegible]. [illegible]
[illegible] scilicet omni[illegible] et solemniter [illegible], nec posse [illegible]
[illegible] beneficio [illegible]
ipsius [illegible] solemni confectione. sub die 5. nouembris 1553. ut in [illegible]
fol. 27. [illegible] coram Excell. Abbate [illegible] subordinatam et
[illegible] ad locum [illegible] codem [illegible], [illegible] nunc [illegible] possessionem ad [illegible]
[illegible] Arcolomiani [illegible]
[illegible] fuerunt collocati in xi. et xii. [illegible]
Excell. Abbatis [illegible] [illegible]
[illegible]
[illegible] sententia [illegible] 8 [illegible] 8 [illegible]

[illegible] 1550 [illegible]
[illegible] creditis, [illegible]
Joannes et [illegible]
[illegible]

[illegible] pro bonis suppositis fideicommisso
[illegible]
[illegible] 1532. 28. Septembris. fol [illegible]
[illegible] ciuilio [illegible]

[illegible] 18 [illegible] 19. 20. cuius sententia laudata est [illegible] 1553. 2. Xbris. fol.
[illegible] sine [illegible] subiecta [illegible] apparuit ex dictis
sententijs [illegible], et [illegible] laudatis. et ex sententia subordinatoria
Excell. [illegible] fol. 29. et 30. [illegible] fideicommissarijs declaratio
et specificatio in dictis sententijs facta [illegible] collatio cum [illegible]
[illegible] 2. martij 1553. fol. 21 [illegible] 22. 23. [illegible]

[illegible]

rossi [illegible] Joannis [illegible]

[illegible]

auctoritati, scid arcoloniani [illegible]

[illegible] si [illegible] Arcoloniani

[illegible] XV. loco [illegible] Sindici [illegible]

[illegible] nunc quia [illegible]

den [illegible] commodo possessionis, et [illegible] nec

[illegible]

[illegible] per mol. [illegible]

[illegible] dubio [illegible] arcoloniani

[illegible] non [illegible]

[illegible]

[illegible] Sorcemus [illegible]

[illegible] Joannis [illegible]

[illegible] 1550 [illegible]

[illegible] nunc non [illegible]

quod [illegible]

[illegible] ~~voluntat~~ [illegible]

[illegible] Joannis, et hinc [illegible] dicti, quia [illegible]

[illegible] sua, [illegible]

[illegible]

[illegible]

[illegible] generacion [illegible]

[illegible] si vede [illegible]

[illegible]

1 5^m

teneri bonis ... ad conuendum ... indictas ... ind... bona nominata in libro instrumento ... ea possident ... ex fideicommissi ... iudicas ... potuisset ... thomam ... in Gallegato in numero 1540 ... suppositu, quia ... nec trebellianica ... de duabus trebellianicis ... auctior ... exacta ex dictis bonis ... in uxore ...

Praeterea quod siquis ... trebellianica tribuendum foret, id commode ... cederet ... nono loco ... collocare in xi. et xii. ... deficit ... de istis ... satisfieri

[illegible]

[illegible]

[illegible] uicem, [illegible] cãbus & similiu[illegible]

[illegible] ad [illegible]

[illegible]

[illegible] cõditio, & grauamen

[illegible] in pscitata. l. quoniã. in prioribus.

[illegible]

[illegible] praedicum

[illegible]

[illegible]

[illegible] durationi hanc [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

... fuisse commissa, quae iudicis inspectio, vel [illegible] ... rea, quae [illegible] luminibus in locis [illegible] ...
crim. prax. [illegible] nec constat iudici quod tabernaculum [illegible] ...
... assueti furtis, nec [illegible] ...
... necesse fuit [illegible] quae tradit Mars. in cons. 8. n.° 5 ...
sufficit [illegible] sed [illegible] ...

[illegible] ... in cons. 92. n.° 2. in 2.° vol.;

... fuisse et nunc esse [illegible] ...

... ratio seu [illegible] ...

... [illegible] morum, cum [illegible] ...
[illegible] sub limine portae [illegible] concludatur. Caeterum cum si
[illegible] veritatis, cum et hinc constare, minime minus [illegible]
... esse quod [illegible] ipsum eiusmodi sceleris [illegible]
... a testibus [illegible] matrimonium ...
... in qua luce meridiana [illegible] ...
[illegible] Leonardum [illegible]
[illegible] nemore seu ronco cum tabernaculo quod [illegible]
minime minus haec [illegible] pro testibus [illegible] quos [illegible]
adhuc [illegible] militaris [illegible] Thomam [illegible] ...

[illegible]

[illegible] filii imputatur. quod [illegible]

[illegible] et [illegible] n. c. [illegible] et [illegible]

magna peccaverit, ipsa morietur, non autem filius portabit iniquitatem patris

[illegible] aliquis Leonardus filius, ipse dicit [illegible] Thome [illegible]

[illegible] iustitiam non committit, imo [illegible] ratio, et naturalis pietas non [illegible]

[illegible] omnia licet non [illegible] tamen [illegible] ex [illegible]

respondit Lucia filia ipsius Thome [illegible]

[illegible]

[illegible] Thomas filio dixit [illegible] et abscede [illegible] tabernaculum [illegible]

[illegible] Lucia dicit [illegible] absfuisti, et domum [illegible]

filio dixisse quod abscederent aliud, hoc enim [illegible] esse, dicit falsissime

[illegible] cum filium [illegible] visus fuerit [illegible]

[illegible] absederet tabernaculum [illegible]

[illegible] nulla sit, quoniam Lucia depositio [illegible] est, quia [illegible]

[illegible]

[illegible] est. [illegible]

[illegible] est [illegible]

[illegible] n.° 2. in. [illegible] col. [illegible] 188. n.° 10. [illegible]

[illegible]

[illegible]

[illegible] n.° [illegible]

[illegible] x. annorum non admittitur in testem [illegible] doc. in locis [illegible]

[illegible] 28. n.° 13. Quod autem Lucia predicta sit minor x. annorum

[illegible] depositionis, et ex [illegible]

De 3.° quod sit iurata apparet similiter ex [illegible]

[illegible] depositionis [illegible], quod autem testi non iurato fides non sit

adhibenda, imo quod iudex habet liberum arbitrium [illegible]

[illegible]

[illegible] aliud. C. [illegible] epis. et cleri. [illegible]

[illegible] pl. [illegible] col. [illegible] ff [illegible] De 4.° autem quod testi [illegible]

[illegible] non creditur est tex. in l. [illegible]

[illegible]

[illegible] dixit cum [illegible]

[illegible] tradit Scurr. [illegible] ad [illegible]
[illegible] l. 122. [illegible] in c. 2. et testi. in verb. [illegible] ex [illegible]
[illegible] ie nulla fide adhibenda, et tanto minus [illegible]
a [illegible], [illegible] fassa est quae se [illegible] missionis [illegible]
[illegible] fuisse affirmavit ad deponendum, quae [illegible]
aut fuerit seducta, et in [illegible] testes [illegible]
[illegible] ad defensam. Unum superest obiectum, quod [illegible] indicii [illegible]
[illegible] [illegible] in causa [illegible] [illegible]
aliquo officio, et istud est obiectum transactionis [illegible]
et [illegible], in qua transactione se obligavit ad solutionem [illegible]
pro tabernaculo furato. Sed et hoc obiectum [illegible]
siquidem ex lectura ipsius transa[illegible]
[illegible] c. 5. [illegible] hoc [illegible] tabernaculum [illegible]

[illegible]

[illegible] in toto acceptari, vel in toto reici; nec [illegible] pro [illegible] acceptari, [illegible] non, et [illegible] quod confitens hominem occidisse [illegible] ad sui defensionem non [illegible] acceptari, quia [illegible] qualitas confessionis [illegible] qua qualitate acceptari, vel in toto reici, [illegible] confitens taliter [illegible] damnari nisi aliter [illegible] qualificatam de homicidio [illegible]

[illegible]

[illegible]

[illegible]

... promissa ... nomine ...

transigendo corrupit ... et accusatorem, hic autem nimis ...

... in diversissimis terminis ...

cum Thomas ne ...

in dicto asserto transactionis ...

esse a viciniis in eum ...

transactio ... iudicante et ...

Quo ad 2m ... fuisse ...

fuisse contra ipsum Thomam ...

... viantis unum aut aliud ...

in camina ...

et surreptam necem ...

Venit ... facto ...

tunc in initio ... tractat ...

potuit Thomas, nec contra ...

... Thome ...

attenta ... subtraxisse ...

heri furtum commisisse, si modo commissum fuit ...

attenuata vicinitas domorum Thome et Caspar ...

quod Leonardus ... unum ...

... quod non potuerit domi ...

Thomas pauper sit, et hoc anno unum non colligerit ...

... hec omnes presumptiones ...

imo nec presumptiones, sed levissime suspitiones, ex quibus in criminalib.

d licet ...

[illegible]

ex violentis et naturali [illegible] amoris [illegible]

[illegible] sola [illegible]

[illegible] ne vita hom [illegible]

[illegible] vicini hedit [illegible]

[illegible] maxime [illegible]

[illegible]

[illegible]

[illegible] nulli [illegible]

[illegible] in hoc calumnia accusatoris [illegible]

[illegible] Madalena [illegible]

[illegible] hoc non [illegible] Thomas dominum [illegible]

[illegible] qui examinati ad offensionem [illegible] capitulo [illegible]

[illegible]

[illegible] ponit [illegible] uno [illegible]

[illegible] pars [illegible]

[illegible] dicit [illegible] quo ad [illegible] uni [illegible]

[illegible] Socium nec quo ad [illegible] assertum [illegible]

nostrum x feminarum filia non iurata [illegible]

est, quia ad id respondendum fuit edocta ab [illegible]

ipsa mater Lucia falsa est, sicuti [illegible]

[illegible] non [illegible] examinari [illegible] xi capitulo [illegible]

[illegible] Simeon [illegible] Joannis [illegible]

[illegible]

[illegible] contra Thomam nil deponunt quod concludat furtum [illegible] particeps fuerit, sed tantum illud quod deponunt [illegible]

[illegible]

nullus eorum audet dicere [illegible] quod [illegible] dicti [illegible] quae in eorum depositione [illegible] Jo. Josephi accusatoris sed ex [illegible] acceperunt, unde in dubio cum non [illegible] dilecto [illegible] est accipienda, [illegible] quod [illegible] nemini [illegible]

[illegible] Thomas [illegible]

[illegible] habuit [illegible]

[illegible]

[illegible]

[illegible] ad [illegible] sub. 13. et 14. [illegible]

[illegible]

nis, et in aereo modice. et in [illegible] [illegible]
in his [illegible] m. l. 3. in [illegible] frosti. in c. sup. eo. [illegible] et Alex. in [illegible]
[illegible] quod ubi testis est male [illegible] fama [illegible]
pitionis ratio. Imo est Bal. in l. optima. C. de contrah. et commit. stipul.
[illegible] dicit, quod testes sola facti infa
mia notati non admittentur in criminalibus; et si multi tales ex
[illegible] Jo. de Arno. [illegible] 19. Corset. in sing. [illegible] Petr. [illegible]
[illegible] 101. n. 10. in 2. vol. ex quibus
constat quanta fides detur [illegible] testibus. Hoc omnium [illegible]
mere exuderno, quod dictam [illegible] filiam Thomae seductam, [illegible]
accusatori [illegible] [illegible] illius, ut [illegible] Luce [illegible]
[illegible]
[illegible]
a qua fenestra parum distat a terra, et sine scala non ingredi [illegible]
[illegible] accusatoris. et nihilominus [illegible]
[illegible] scala, et [illegible] accipiebat. [illegible]
[illegible] repugnat, quod nullo pacto saluari possit.

[illegible]

[illegible]

... vendicando ... [illegible]

[illegible]

S[illegible] ... ratione ... [illegible]

... ad ... [illegible]

[illegible]

... tollere in sua ... [illegible]

... [illegible]

... consanguineo latroni scilicet ... [illegible]

... ad ... [illegible]

... latronis ... ad ... modicum ... [illegible]

[illegible]

... in hoc ... non dolo, sed filii amor ... [illegible]

[illegible]

[illegible] nulli [illegible]

[illegible] n° 18 [illegible]

[illegible] ad [illegible] maximas [illegible] arnat.

[illegible] in [illegible]

casib. [illegible] pro [illegible] quod [illegible]

pontibus [illegible]

[illegible] legis [illegible]

[illegible] reddere. Sed [illegible] aliter [illegible] necessario dicere, qui [illegible]

[illegible] verbo

[illegible]

[illegible] n° 8. [illegible] 202. col. 4. n. 2° [illegible] Sed nulla maior [illegible]

56. [illegible] amoris, ut late [illegible] multa exempla Tiraquel. [illegible] pan. leg. [illegible]

[illegible] in loco [illegible] n°. 14. ubi ait [illegible] quod [illegible] nulla poena teneri, sed in casu nostro concludunt [illegible] ad [illegible] publice, ac palam commercium [illegible] ergo una receptatio [illegible] hoc casu [illegible] thomam [illegible]

[illegible] posse, se [illegible] filium domo [illegible], nec expellere [illegible] hac necessitas [illegible] oportere [illegible] plenissime [illegible] pan. leg. cau. xi. [illegible] quaelibet causa [illegible] alis excusat a dolo, [illegible], quod sine dolo esse [illegible] pot [illegible] can. 43. [illegible]

57. [illegible] plane constat infelicissimum thomam, qui diu [illegible] miserrime [illegible] si quid [illegible] in [illegible] conversis [illegible] humanitate [illegible] tradita a doc.

[illegible]

[illegible] redem. [illegible] quid [illegible]

[illegible]

[illegible] stabilia [illegible]

Sua [illegible], et [illegible] ab [illegible]

[illegible] ad [illegible]

omni meliori modo. [illegible]

Quaeritur [illegible] heredes [illegible]
[illegible] D. Pauli praedicti [illegible] praestas se [illegible] in [illegible]
[illegible] sint audiendi [illegible] brevibus [illegible] videtur, di-
[illegible] heres [illegible]
[illegible] heredi [illegible] in [illegible]
[illegible]
[illegible]
[illegible] 2° [illegible]
[illegible]
videtur dicendum, quod filia [illegible]
[illegible] l. i. [illegible] C. ad [illegible] offici. [illegible]
[illegible]
[illegible] videtur tex. in l. [illegible] ubi habetur
[illegible]
[illegible] legatarium [illegible] heredem [illegible]
[illegible] ex l. [illegible] C. de sacros. eccle. [illegible]
[illegible]
[illegible] ex [illegible]
[illegible] l. heredes [illegible] ubi [illegible]
[illegible] ad heredes transmittit [illegible]
[illegible] D. [illegible] annos 8 [illegible]
[illegible] ex in l. [illegible]
[illegible] ad [illegible]
[illegible] heredem [illegible]
[illegible] ad D. [illegible] annos 8 [illegible] voluit
[illegible]
[illegible] ad [illegible] voluit [illegible]
[illegible] heredis [illegible]
[illegible] dominio [illegible] dominium [illegible]
[illegible] disponere posset, nisi, domina [illegible] testator [illegible] disponendi, [illegible]
[illegible] dispositione videtur [illegible] vocare filiam ad successionem
[illegible]
[illegible] non observare [illegible]
[illegible] magis [illegible]
[illegible] in [illegible] Rub. 147. [illegible]
heredes [illegible]
[illegible]

[illegible]
[illegible] nomine [illegible] reservandi [illegible]
[illegible] millibus [illegible]
[illegible] fundamento stante firmatur maxime ex his que [illegible]
[illegible] contraria facillime [illegible] et nullo fere negotio
[illegible] Non itaque obstat primum obiectum quod institutus [illegible]
[illegible] quod sicut legatarius non habet beneficium [illegible]
[illegible] manu heredis [illegible] et hoc casu idem [illegible]
[illegible] quoniam facilis est ad id responsio [illegible]
[illegible] alius est universaliter institutus, quia [illegible]
[illegible] in re certa loco [illegible]
nullus [illegible] universali [illegible] hoc cas[illegible] nullus [illegible]
[illegible] est, quia [illegible] ius accrescendi [illegible]
[illegible] in universum [illegible] ita consulendo tenuit Calvi. in cons. [illegible]
[illegible] extraneus [illegible] institutus, nedum quando [illegible] institutus [illegible]
[illegible] cons. 65. n°. 2. Corn. cons. 91. n°. 13.
[illegible] universalis [illegible]
[illegible] institutus in re certa [illegible] legatarius [illegible]
[illegible] in cons. 33. [illegible] n°. 12. in 2°. vol. cons. 31. n°.
[illegible] vol. [illegible] omnes [illegible]
[illegible] Alex. hanc communem esse, et [illegible] affirmat, et
[illegible] in tit. de lega. cautel. 2. n°. 2. And. Tiraquel.
[illegible] et ut doctorum auctoritates omittamus
[illegible] in l. 1. §. si ex fundo. ff. de [illegible]
[illegible]
[illegible] in l. si quis [illegible] ff. ad treb. in l. si alterius. [illegible] hered. insti. [illegible]
l. [illegible] ff. de [illegible] et omnibus his in locis [illegible]
doc. adeo quod [illegible] dubitare [illegible] et absurdum [illegible] dicunt
[illegible] heredes in ca[illegible] esse heredes in rebus certis, sed in certis [illegible]
[illegible] nominum. [illegible] ff. de [illegible]
[illegible] in certa [illegible] quia non [illegible]
[illegible] vendiderit, [illegible] in individuo
[illegible] vol. [illegible] Fulgo. cons. 69. [illegible]
[illegible] in [illegible] quantitate; et Bal. in cons. 281. in [illegible]
[illegible] institutus in certa [illegible]
[illegible] circa [illegible] in casu [illegible] nullus sit [illegible]
[illegible] Sequitur [illegible]
[illegible] contra [illegible] maxime [illegible]
[illegible] Bal. in cons. 185.
[illegible]

[illegible]
Et hodie nihil et tradit Corn. cons. 2 [illegible] n° 3 in 2° vol. Sed quod [illegible]
[illegible]
[illegible], nec [illegible] esse, nec legatum [illegible] sicuti [illegible]
[illegible] in d. l. [illegible] n° 5 et Ias. ibi in fi. 2 col. Et hodie nihil Corn. cons. 87
[illegible] in 2° vol. quia [illegible] in [illegible] particulari
[illegible]
[illegible]
quod [illegible] sic [illegible] [illegible] benefic[illegible]. Et [illegible]
[illegible]
[illegible] si nullus [illegible]
[illegible], [illegible] in individuo, et in terminis [illegible]
et [illegible] in d. l. fi. et Alex. in d. l. [illegible] n° 7. Corn. cons. 103 n° 1 et
in 2° vol. et late Tiraquel. in trac. de morte. par. 2. declara. 4. n°
[illegible]
[illegible] verbum [illegible]
[illegible] glo. in l. [illegible]
[illegible]
[illegible]
[illegible] quod ex [illegible]
[illegible] in possessionem [illegible] manu [illegible]
possit [illegible]
[illegible]
[illegible] multifariam [illegible]
[illegible] possit disponere [illegible] dixit [illegible]
[illegible]
qui morte finitur [illegible] mox dicetur et quia [illegible] presumitur [illegible]
[illegible]
[illegible]
[illegible]
[illegible] dicis [illegible]
[illegible]
[illegible] sufficit [illegible]
[illegible] ad [illegible]
[illegible] in l. quidam [illegible]
[illegible]
Et [illegible]
[illegible]
[illegible] quod in dubio [illegible]
[illegible]
[illegible]
[illegible] ad [illegible]

[illegible] ... operi communis ... eo magis ... [illegible]

[illegible]

socius magis in casu nostro in quo ... erat unus communis ...

... quo casu iuxta ... accipiat ... [illegible]

[illegible]

... ideo eiusdem ... [illegible]

[illegible] ... dicit ...

[illegible]

acciperet ad quod videndum ... col. ... in

isto testamento sunt verba quod possit disponere et uno usufructu ad ... de ... quod et sui ... importat ...

[illegible]

... in ... ff. ... in ... de ...

[illegible] ... per ... ff. de ...

... in l. ... in ... lib. ... in ... et

... in ... glo. in clem. ... in ... et ...

... in ... col. 2 de ... in ...

... in c. ... et ... glo. in l. observare §. ... ff. de ...

[illegible]

quod ... in l. ... libros §. si quis ... accesserit ...

... data libertas ... cum ... dari ... libertas ... x

[illegible]

... dec. Adrian. Ad ... Adrian. doctrina in ...

... ubi dicit ... potestate ... dicit quod ...

potest ... dicit quod ...

... in c. ... ergo ... simpliciter ...

... necessitati subiectum ...

... no. 4. et ... sequitur quod si facultatem potestatem ...

... disponendi ... non disposuerit ...

inde ... ac si potestatem hanc a principio non habuisset ...

... sibi attributa usque ad ...

... l. si ... in conscribendo C. de ...

... mais ...

[illegible]

[illegible] nostra [illegible] [illegible] [illegible] [illegible] [illegible] testamenti [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] dicendum esse quod nisi [illegible] [illegible] [illegible] [illegible]
[illegible] in mortem [illegible] vel modo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod dispositio [illegible] [illegible] [illegible]
sed [illegible] non m. l. quibus. §. ter milius [illegible] [illegible]
dem si ad heredem spectat declarare [illegible] [illegible] [illegible]
[illegible] [illegible] dicendum erit [illegible] [illegible] [illegible]
[illegible] et sequendo cum maxime [illegible] [illegible] [illegible] non d[illegible]
[illegible] [illegible] [illegible] verba dicit [illegible] [illegible] [illegible]
[illegible] [illegible] dispone[illegible] [illegible] dicit Oinnont [illegible]
ex natura ipsius usufructus [illegible] ex verbis testamenti, [illegible]
nam si diceremus adhuc durare usufructum in persona heredis usufructuarii
defuncti [illegible] esse usufructum ad heredes transmitti [illegible]
repugnet naturae usufructus qui dicitur [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] instit. de usufruct. in prin. et m. §. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Beer. [illegible] in cons. 12. no. 12 [illegible] ipso iure [illegible] [illegible]
[illegible] sequitur And. [illegible] in [illegible] [illegible] [illegible] et Corne.
in cons. 161. no. 28. m. 2. vol. contra [illegible] [illegible] [illegible]
natu. proprietarius vero similiter possidet [illegible] [illegible]
[illegible] natu. possidet [illegible] [illegible] magnel. [illegible] no. 1. et 4. ideo [illegible]
[illegible] [illegible] [illegible] usufructuarii [illegible] usufructum [illegible]
[illegible] non transeat ad heredes usufructuarii colligitur ex supradictis et tradit
Matth. de Afflic. decis. 279. no. 2. et est ratio quia inhaeret personae [illegible]
dicendum est et cum ea extinguitur quia sine ea esse non potest. l. usufructus. ff. de usu.
[illegible] tradit [illegible] m. l. cum [illegible] §. [illegible] [illegible] [illegible]
[illegible] [illegible] omnia personalia quae non transmittit
[illegible] [illegible] [illegible] [illegible] [illegible] ad heredes [illegible]
[illegible] ex [illegible] ita nullo iure [illegible] [illegible] 48 [illegible]
[illegible] vol. [illegible] in [illegible] testam. cautel. 57. [illegible] fol. 196. [illegible] in
testamento [illegible] Pauli hoc dicitur non fuit quod transiret ad heredes usu-
fructuarii [illegible] non [illegible] [illegible] [illegible]
ino et ultra verba testamenti. Praeterea considero quod si volumus acci-
pere verba [illegible] [illegible] quod usufructuaria [illegible] [illegible]
[illegible] [illegible] [illegible] usufructuarii [illegible] possessionem
heredum [illegible] Considero [illegible] [illegible] duos casus [illegible]
[illegible] quando usufructuaria vixerit 8. annos aut minus, et [illegible]
quando plus vixerit [illegible] annos. Casus autem noster [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] cum nunc [illegible] cu suo omnes, remanen[illegible] dis-
[illegible] uris dominis l. ii. C. de [illegible]
l. commodissime ff. de lib. et posthu. [illegible]
[illegible] Curt. in cons. 34. col. 4. vers. [illegible] dispositio
[illegible] usu-
fructuarius [illegible] nullo iure [illegible] Quod [illegible] casus [illegible]
[illegible] dominis [illegible] nam [illegible] favor [illegible]
[illegible] dispositione [illegible] testamento l. [illegible] C. de testa-
mentis [illegible] ff. de condi. et demonst. [illegible] ff. de loca.
[illegible] col. Ang. et doc. in l. [illegible] cum [illegible]
[illegible] ff. de [illegible] mand. et alia cons. [illegible] n°. 27. in
[illegible] n°. [illegible] 2°. col. sed et iure domini usufructus [illegible]
[illegible]
[illegible] dicitur liberam disponendi [illegible] secundum [illegible]
[illegible]
[illegible] verisimiliter dispositum [illegible]
[illegible] C. de [illegible] et subsistit [illegible]
[illegible] n°. [illegible] quod si [illegible]
[illegible] magis ex [illegible]
[illegible] tres sint nepotes, et neptes, [illegible] usufruct [illegible]
[illegible] existat [illegible]
[illegible] l. de [illegible] ff. de [illegible] condi. et demonst. [illegible]
[illegible] C. de [illegible] Corn.
[illegible] n°. 3. [illegible]
et [illegible] cons. 32. n°. 3. ac cons. 87. n°. [illegible] 4°. [illegible]
[illegible]
et minus gravetur [illegible] fieri possit. et [illegible]
[illegible] in loco [illegible]
[illegible]
[illegible]
[illegible] rationis in l. [illegible]
[illegible]

[illegible]

... morbi causa vel ... [illegible]

Et ultra hoc quod in usu temporis ... [illegible]

... ex cuius verbis satis ... [illegible]

... esse, quod ... in favorem ... [illegible]

... et usufructu ... [illegible]

fit mentio hæredis, unde ... legatarium dixisse ... ad ... [illegible]

terminis eius legis multum distant a casu nostro. Similiter ... [illegible]

[illegible]

... constitu- ... [illegible]

... usufructu ... [illegible]

[illegible]

... quo usus ... [illegible]

[illegible]

... in testamento ... [illegible]

... esse ... nec domina ... [illegible]

[illegible]

... [illegible] ... sine dubio ...

[illegible]

... in possessorio et quo agitur ... [illegible]

... nec ipsa usufructuaria ... legitima ... [illegible]

[illegible] Quibus, et illud addi [illegible] quod nisi heredes scripti mitterent in possessionem [illegible]
65 [illegible] maxima incommoditas, quod [illegible] parte testatoris, et [illegible] parte
institutus [illegible] iuris dispositionem in l. [illegible] ius nostrum [illegible] doc. ff. de reg. iur. [illegible]
[illegible]
[illegible] Bal. [illegible] tex. in l. [illegible] aut legem ff.
[illegible] tex. in l. fideicommissa. [illegible] Bar. [illegible]
[illegible] testatoris [illegible] institutionis [illegible] quia mobilia relinquit
[illegible] uxori [illegible] aut etiam usumfructum reliquit, tamen [illegible] heredes scripti
[illegible] mitterent in possessionem, sequitur, quod [illegible] nominibus et actionibus [illegible] disponit
[illegible] nullus admitteretur [illegible] D. Paulus [illegible] testatoris, et [illegible]
[illegible] accedens, quod nullo pacto est admittendum. [illegible]
[illegible] in possessionem heredes [illegible] heredibus [illegible]
[illegible] autoritas [illegible] in cons. [illegible] col. [illegible] nec obstat [illegible]
[illegible] in [illegible]
[illegible] esse cum qui possessionem habet [illegible]
[illegible] quod [illegible] ad hoc [illegible]
[illegible] ubi [illegible]
[illegible] in possessionem heredibus usufructuarii [illegible] quando ususfructus [illegible]
[illegible]
[illegible] Paul. [illegible]
[illegible]
[illegible]
[illegible] contra [illegible]
[illegible] in quod nil aliud [illegible] quia [illegible] arbiter [illegible]
[illegible] testamentis [illegible]
65 [illegible] inventarium [illegible] sit [illegible] exhibitionem librorum [illegible] testatoris.
[illegible] heredes, [illegible] tex. in l. [illegible]
[illegible]
[illegible] in n. [illegible] C. de [illegible] L. D. O. M.
[illegible]
[illegible] et Rubeis [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

pót [illegible]
soa [illegible] ūret [illegible]
sc [illegible] alī [illegible]
[illegible]
[illegible] con [illegible]
[illegible]
poss [illegible] Dom [illegible]
hi [illegible] proximiori [illegible]
itaut [illegible] tam [illegible] latū [illegible]
git no. [illegible] a. 5 [illegible] 183. in [illegible]
Gratī [illegible] usufructus [illegible] et [illegible]
[illegible] iure [illegible]
[illegible] eimadi [illegible] ficent [illegible] es in
elu. [illegible] cens [illegible] 2. et [illegible]
usufru [illegible].

nositat [illegible]
Diono [illegible]
tam [illegible] tensio [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 436 [illegible]

... inventarios . q. D. Pauli et Laurentij

harii ex una in[illegible] et D. Barth[illegible] filio ... D. Lucretia uxor [illegible]

[illegible]

quodq; attinga in [illegible] fieri potuit, [illegible] D. Barth. ...

D. Lucretie usufructuaria omnium bonorum D. Pauli ab eius heredis, ut sibi soluant

... D. Pauli in[illegible] medicinasq; quas se soluisse ait ... dicit ...

teneri pecunia D. Lucretia de suo [illegible], sed de bonis D. Pauli. Quod aut

de bonis suis pecunia D. Pauli soluerit, sic probatur. Certum est quod D. Lucretia ...

la bona propria, et particularia habebat, nec aduentitia, nec profectitia, nec parapharnalia;

[illegible] dotem suam, que fuit apud virum suum usq; ad illius obitum cum ...

... omnis ipsius dotis ... m. l. dote ancillam ...

... Si ergo uolumus quod D. Lucretia in funeralibus ...

... viri sui soluerit et acquisitis ... ante viri ob...

... in turpitudinem, uel in legis decisionem, que est contra ipsam ...

... quia mulier non presumitur lucrari nisi ex turpi ...

[illegible] ... in decisionem

contra ipsam [illegible]

[illegible]

[illegible]

... quod bona habuerit unde quesierit ... mulier ...

... tenere quesita ...

... dona. inter virum et uxorem. Bar. in l. uxor marito ...

... col. 2. in 3. uol. In casu aut nro ...

... D. Lucretia ... bona ...

... facta cum quesitis tempore uite mariti ...

Pauli ... Quod si dicamus ...

... quesitis post viri mortem ... si quide ... statim ...

... homine ... tumulari unde ...

[illegible]

... hic ... D. Barth. ...

... non satis sibi constat, et ... pecunias ...

[illegible]

... sibi ... cum sua ... compor... ad cognitu

... quia ex inferius subscriptis ... ha

... diluetur: et ... ...

... cum ... in bello ... facta ...

Sed ... ex ... D. Pauli ... omnia

... fuisse ... ipsa fuisse usufru...

... unde sequitur ...

... manus ... illius manus ... affirmat ...

... solutionem legatorum et soluendorum.

curia statim mortuo uiro in tenuer iuius impelle, nec ad talem impensam [illegible] nec eos requisiuit ut eiusmodi [illegible] impensam, nec ipsa [illegible] [illegible]
[illegible] [illegible] rendere animo [illegible] imo nec post soluta funeralia [illegible] [illegible]
[illegible] impetijt, sed mensibus [illegible] quibus [illegible] Paulo uiro suo [illegible]
[illegible] [illegible] sic [illegible] agnouit faciendo eiusmodi impensam ad se spectare [illegible] agnouisse, [illegible] sua [illegible], [illegible] illa, que sciebat pecunias [illegible]
[illegible] ad eius manus peruenisse, quibus [illegible] poterat, [illegible] tenebatur [illegible]
[illegible] [illegible] legatarijs satisfacere. Et cum hec omnia iuri consona sint [illegible]
[illegible] expresse dixit [illegible] uxori mobilia exceptis pecunijs, que sectum [illegible]
[illegible] [illegible] [illegible] sed [illegible] [illegible] [illegible] quod [illegible]
superest ex pecunia solutis [illegible] [illegible] [illegible] est, [illegible] [illegible] Pauli: nam ipsi [illegible]
[illegible] sententiam arbitrariam [illegible] [illegible] emologatam [illegible] [illegible]
[illegible] hereditatis creditor, [illegible] [illegible] actionum [illegible] [illegible] [illegible]
[illegible] [illegible] Pauli testatoris sub [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible], sed [illegible] magis hoc casu, in quo [illegible] dixit testator [illegible], quod pecunie ipse [illegible] facto [illegible] [illegible] [illegible]
[illegible] uxori facto, a quibus [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ff. de legat. 3° l. [illegible] [illegible] [illegible]
[illegible] sine effectu esse non debent l. si quando [illegible] [illegible] [illegible]
Maxime hoc casu in quo [illegible] dilecti [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] 2° est casus l. apud iulianum § [illegible] ff. de leg. 1° [illegible]
[illegible] [illegible] legatum [illegible] [illegible]
[illegible] l. cum concubina § [illegible] ff. de leg. 2° [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ff. de leg. 2° [illegible]
[illegible] Corn. cons. 71 in [illegible] dubio [illegible] cons. 160 col. 3ª in [illegible] uol. [illegible]
in § manumis, [illegible] in [illegible] [illegible] [illegible] Gram. cons. 86 n° 7 in [illegible]
[illegible] Decian. cons. 92 col. 2 uol. 1° Alcia. in l. stipulationum in prin. [illegible]
n° 25 [illegible] [illegible] hoc [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] n° 24 [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] illam excepttuationem pecuniarum [illegible] Gram. in cons. 187 n° 3 [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] exceptionis [illegible] [illegible] quod [illegible] affirmat [illegible]
[illegible] Gram. in cons. 236 n° 10 [illegible] in [illegible] excepttuatis exceptio [illegible]
[illegible] [illegible] § denique [illegible] [illegible] [illegible] glo. in l. [illegible] his uerbis ff. [illegible]
[illegible] [illegible] constat legatum D. Lucretie non posse extendi ad pecunias excep[illegible]
[illegible] D. Paulus uero testator [illegible] excepit pecunias [illegible] [illegible] legato [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible]

[illegible]

[illegible]

[illegible] verisimiliter dispositum [illegible]

Cran. in cons. 186. n°. co. ii. Et huic verisimili dispositioni similis est l. si i-
ns. ff. de vulg. et pup. Ad id autem quod dicitur non satis [illegible]
p solutionem funeralium et medicinarum facillime [illegible]
[illegible]
2°. in nominibus debitorum. 3°. in fructibus. 4°. in alijs mobilibus et [illegible] in im-
bilibus. l. a divo pio. ff. de re iudi. et sic semper [illegible]
[illegible] ut tradit Cran. in d. cons. 187. in fi. Et cum d. Lucretia so-
luerit statim mortuo d. Paulo funeralia et medicinas non vocatis, nec [illegible]
[illegible]
Paulum testatorem reliquisse, quas satis esse dixit pro solutione [illegible]
[illegible]
tionem ipsa numquam reclamaverit: Unde cum nemo [illegible]
latur. l. fi. C. ne uxor pro mari. et toto tit. C. ne fil. pro patr. l. fi.
et cum quilibet suo nomine, et pro se solvere censeatur, [illegible]
no nomine. l. ij. C. de iur. delib. sequitur solutionem [illegible]
etiam suo nomine, vel ea cogente, ex quo habebat pecunias [illegible]
tes sibi a viro relictas in hanc causam, quam ubi propriam, et proprium onus [illegible]
[illegible] nec verisimile est quod testator reliquerit pecunias sufficientes a [illegible]
[illegible] 18. legatorum de quibus in eius testamento, quae tot mil[illegible]
excedunt, et non reliquerit tot, quot sufficiant solutioni funeralium et me-
dicinarum, imo cum voluerit d. Lucretia teneri ad so[illegible]
verisimile, quod non voluerit eam teneri [illegible] ad impensas funeris [illegible]
quia qui vult antecedens, vult et consequens [illegible]
[illegible] C. de fideic. et melius probat [illegible]
nec verisimile est quod alium voluerit funeris impensa[illegible]
sue ultime voluntatis executricem elegit; imo in [illegible] testamenti
ipsum testatorem gravasse dictam d. Lucretiam uxorem suam [illegible]
panis et alia, immo ipsius testatoris [illegible]
[illegible] in singulis capitulis quod d. Lucretia teneretur ad id [illegible]
[illegible]
invenitur in omnibus uxorem gravasse et eam executricem sua[illegible]
elegisse, sicuti ex lectura ipsius testamenti [illegible]
error dispositionem non vitiat [illegible]
Alex. in l. nominatim. n°. 1. 2. ff. de lib. et posthu. [illegible]
[illegible] erroris [illegible] l. nec exemplum C. ad l. cor. de fals. l. si ministerium
l. imperator titius, et antoninus ff. de statu homi. cum sim. Et si dicatur
d. Lucretiam soluisse per errorem quia putavit [illegible] respondetur errorem
[illegible]
[illegible]

nec solutio rebelli licet ingamus [illegible] rebelle quia nec in facto, [illegible]
[illegible] in [illegible] [illegible]. Nec obstat hoc
[illegible], quod [illegible] D. Jo. Cephalus [illegible] dicit in [illegible]
[illegible] habere [illegible] D. [illegible] hoc dixit [illegible]
[illegible]
[illegible] usu [illegible] habere [illegible]
[illegible] videtur ad [illegible] licet [illegible]
[illegible] damnum [illegible] fuit. Nec aut excellens Cephalus hoc dixit [illegible]
nis heredis, cum [illegible] testamenti [illegible], quod [illegible]
[illegible] heredes [illegible] fuere. Praeterea [illegible]
[illegible] manque [illegible] ipsos [illegible]
[illegible] heredes [illegible]
Quod aut solutio [illegible] errore iuris non possit [illegible]
[illegible] nec obstat. l. ubi pactum. C. de [illegible] l. cum [illegible]
[illegible] facta [illegible] errore facti [illegible]
[illegible] solutio [illegible] nec aut [illegible]
[illegible] Lucretia, [illegible] testatoris heredes ad hoc tenebat [illegible]
[illegible] mox [illegible]
[illegible]
in dubio in casu [illegible] solutio facta [illegible]
[illegible]
[illegible] ut inferius dicetur [illegible] facultate [illegible] solutionis
[illegible] D. Lucretia [illegible]
[illegible] traditum in locis citatis [illegible]
[illegible] doctor [illegible]
[illegible] alia causa [illegible]
[illegible]
[illegible]
[illegible] et eius manus [illegible]
[illegible]
[illegible] solutionis [illegible]
[illegible] praemissa [illegible] quod D. Lucretia post solutionem a se factam [illegible]
[illegible] viro suo [illegible]
[illegible] petiit [illegible]
[illegible] facit, [illegible] expressas [illegible] Cecquid [illegible]
in l. [illegible] dotis. ff. sol. ma. [illegible]
[illegible]

[illegible]

in Ds-54 n° 12 . aciturnitatt ingentr simulacro [illegible]

Et tanto magis, quando ultra iam aliquod [illegible]

[illegible]

Hac itaq; solutio [illegible]

quod ante [illegible]

[illegible] fuspius dicem [illegible] plus [illegible]

[illegible] in primijs D. Pauli [illegible]

[illegible]

Sanguinei sine perscrutatione [illegible]

ng impossa [illegible] nisi [illegible]

[illegible]

animo [illegible]

[illegible] Hec dicat quis Commissa [illegible]

iudicare, [illegible] ab uxon [illegible]

.73. in uxore [illegible]

[illegible] n°. 1. [illegible]

[illegible]

[illegible] tonni [illegible]

[illegible] ostensoria [illegible] dicimus, et [illegible]

[illegible] impsos, ne vacuum moriatur maritus, vel ne mortuus

in ospitalem iacente [illegible] D. [illegible] quod D. [illegible] [illegible]

~~[illegible]~~

~~[illegible]~~

[illegible] ut predictus D. [illegible] cloacenarii. [illegible] et [illegible]

[illegible] 252 [illegible] temporalis [illegible]

[illegible] [illegible] ut veritate decernitur ad [illegible]

a [illegible] in col. 122. [illegible]

[illegible] in col. 91 [illegible] C. ad [illegible]. Nam [illegible]

[illegible] lucrata est [illegible] detendotem

[illegible] et ulterius habuit [illegible] pecunias sufficientes ad solutionem

[illegible] post solutionem [illegible]

[illegible] aliud [illegible] facit [illegible] quando de bonis [illegible] tenentur

[illegible] quod impensa [illegible] funeris [illegible] fuit facta [illegible] D. [illegible] testatoris [illegible]

[illegible] tamen D. [illegible]

[illegible]

[illegible]

[illegible] per supra.

[illegible]

addens [illegible]

[illegible]

Declarationes

Quod autem attinet ad impensas factas pro ancilla ut dicit [illegible] [illegible] educta pro actricem in [illegible] [illegible] [illegible]
et cum jura non fuit [illegible] [illegible]
longe minori; sed et quia facta fuit [illegible] [illegible]
[illegible] eo [illegible] et [illegible] illius [illegible]
ratione ulcius [illegible] pro qua impensis dicitur. [illegible] quod [illegible]
[illegible] et [illegible]

[illegible]

[illegible] Bartholomea eius filia [illegible] [illegible]
[illegible] iudicand: [illegible]
[illegible] Pauli [illegible]
dicti [illegible]

[illegible] consultorum, quia secundum [illegible] [illegible] ipsorum iudicans
[illegible]

[illegible]

[illegible]

[illegible]

[illegible] dixim [illegible]

[illegible]

C [illegible]

[illegible] civitati [illegible]

[illegible]

[illegible]

[illegible]

[illegible] eis curious
[illegible] Nec mirum [illegible] alioquin [illegible]
[illegible]
[illegible] cum
[illegible] C. et bon. [illegible] lib. [illegible]
[illegible]
[illegible]
[illegible]

[illegible] in una domo [illegible]
praecipua sint divisionis [illegible] videndum est. [illegible] dubio [illegible]
[illegible] Bar. ad Bal. [illegible] filius
[illegible] quo loco tali utitur distinctione [illegible]
[illegible] applicata [illegible] assumendo. [illegible] filius
[illegible] animo [illegible] absque dubio [illegible]
[illegible]
[illegible] praesumitur. Deinde [illegible] sic [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

Rubeis

[illegible]

Contrarium [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

5?

c. i. ubi Abb. ... vers. in inter ...
quibusdam. n°. 9. ... fide ... ...
... An ... ... Ravenn...

... ...

... ... in ... c. ... melioravit ... c...
... solummodo ... ad ultra ... in summa ...
quod quicquid impendat emptor in meliorando re ...
nil consequit praeterquam illud, quod meliori ...
in reddidit. At in casu nostro planus constat ...
... mansu, ... Pagnocca ... ...
... antiquor ... ergo ...
... ...
... possit ... altera ... meliorassi...
... ... firmare

... ultra ... ...

... autem ... ... ut ... ...
... facit quod in alia ... adducitur
... ...

... ...
... meliorationum expensas, nisi illas, quae mansu ...

... ...

... quae ad ... rei utilitatem facta sunt. ...
... antiqua ... ut nova ...
... necessaria fuit, ...

dicatur ... ...
... ... reductionem ...

[illegible]

[illegible]

[illegible]

Duo sunt statuta, quae foeminas arcent à successionibus, alterum sub rub.
successiones ab intestato c. 148. quod à successione intestati expellit, et alterum
sub rub. 173. de lega. filiab. quod à successione [illegible] excludit. In casu autem
[illegible] [illegible] foeminam est [illegible] [illegible] [illegible] [illegible] mulier
[illegible] [illegible] [illegible] [illegible] filiam [illegible] tradidit [illegible] [illegible]
[illegible] [illegible] bonis [illegible] donatis [illegible] ex fratre [illegible]
[illegible] [illegible] habente, Caecilia [illegible] [illegible] [illegible] 30. [illegible]
[illegible] [illegible]. Petit modo Caecilia supplem. legitimae, [illegible] [illegible]
[illegible] [illegible] [illegible] bona valentia [illegible] 1200. [illegible] [illegible]
[illegible] [illegible] 400. iux. tex. in auth. novissima. C. de inoff. [illegible]
[illegible] quid iuris? Et quidem multa sunt contra [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] habetur [illegible] [illegible] in auth. [illegible] [illegible] [illegible]
[illegible] sunt quoque statuta [illegible] [illegible] [illegible] Videtur [illegible] [illegible]
[illegible] cum [illegible] [illegible] [illegible] excludat eam à [illegible]
tione [illegible] [illegible] de lega. filiab. [illegible] à [illegible] inofficiosi [illegible]
sive donationis [illegible] [illegible] [illegible] voluntate [illegible] [illegible] [illegible]
[illegible] solo iure municipali sed [illegible] iure communi videtur [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] foemina excluditur à [illegible]
[illegible] [illegible] ad [illegible] legitimae minime [illegible]
[illegible] [illegible] [illegible] legitimae [illegible] [illegible] [illegible] [illegible]
[illegible] l. [illegible] [illegible] [illegible] [illegible] l. [illegible] inofficios. C.
[illegible] Sed Caecilia excluditur à successione [illegible] [illegible] [illegible]
[illegible] ab [illegible] [illegible] [illegible] [illegible] supplementi legitimae quod [illegible]
[illegible] de lega. filiab. [illegible]. Caeterum [illegible] [illegible] materia [illegible]
[illegible] [illegible] [illegible] [illegible] doc. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] magis ad pompam, quam
ad utilitatem solent adduci, praetermittam, cum illa passim multis in
locis apud doc. quorum aliquos [illegible] [illegible] possint [illegible]
[illegible] copiosius; [illegible] [illegible] [illegible] [illegible] [illegible] nisi
[illegible] [illegible]. Considero itaque [illegible] [illegible] [illegible] foeminas
excludentia [illegible] odiosa [illegible] odiosa [illegible] doc. [illegible] [illegible]
[illegible] correctoria [illegible] [illegible] [illegible] foemina [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] foeminam fecerit [illegible] [illegible] iux. Iustiniani [illegible] [illegible]
[illegible] [illegible] C. [illegible] [illegible] [illegible] tunc maxime odiosa [illegible]
filiam excludit [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] excludi [illegible] à [illegible] [illegible] in hoc casu [illegible]

[illegible] dimeri [illegible] irracionale [illegible] sine [illegible] [illegible] et [illegible] naturam [illegible] in
l. cum racio ff. de [illegible] portio [illegible] decel. in [illegible] nam et [illegible]
rentibus. ff. de [illegible] testa. in l. [illegible] in ff. [illegible] lib. et iux. [illegible]
cum acutissimi. C. de [illegible] [illegible] ff. de [illegible] et [illegible]
cum edcor. [illegible] talia statuta odiosa vocat Bar. in l. i. C. de [illegible] et [illegible]
cat. Bal. in l. [illegible] in [illegible] C. [illegible] et in l. [illegible] [illegible]
[illegible] in l. fi. C. de suis et legi. in l. ij. C. [illegible] lib. [illegible] nec pos.
in l. [illegible] xij. tabular. C. de legi. hered. et in [illegible] locis infinitis [illegible]
tenuit [illegible] Alex. cos. 16. col. i. vol. [illegible] et cos. 131. col. 2. [illegible] vol. [illegible] [illegible] cos. [illegible]
nu. 7. vol. 2. Corn. cos. 105. nu. 3. vol. [illegible] cos. 100. nu. 5. et cos. 290. nu. 5.
vol. 3. et alijs locis multis. Vasqui. in [illegible] succes. lib. 2. de succes.
resolu. §. 13. [illegible] nu. 7. [illegible] exheredacionis [illegible] Bal. in l.
[illegible] quam. C. de colla. et [illegible] in auc. in successione. C. de suis et legi. nulla
in successione masculi et feminar. [illegible] [illegible] [illegible]
[illegible] in l. inter filios. C. [illegible] [illegible] [illegible] inter filios [illegible]
[illegible] [illegible] dividendam esse [illegible] et de iure divino [illegible]
[illegible] affirmari [illegible] Job. cap. 42. quod [illegible] [illegible]
[illegible] invente mulieres speciose in universa terra sicut filie Job. [illegible]
eis hereditatem pater inter fratres eaz [illegible] de iure. xij. [illegible]
[illegible] [illegible] Alex. ab Alex. [illegible] lib. [illegible]
.10. qui eodem lib. [illegible] cap. 15. [illegible] [illegible] fuit [illegible]
[illegible] mulieribus [illegible] [illegible] [illegible] hereditatem totam
potuisse [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et falcidia [illegible] [illegible] [illegible] [illegible]
temporibus cum [illegible] [illegible] [illegible] l. [illegible] C. Voconiam
[illegible] [illegible] [illegible] [illegible] [illegible] ne femina [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
tem [illegible] Sed et [illegible] [illegible] [illegible] maximum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] possunt statuta predicta feminas excludentia
[illegible] [illegible] habitus [illegible] [illegible] [illegible] [illegible] [illegible]
lias [illegible] filios [illegible] [illegible] et [illegible] [illegible] [illegible]
sicut et [illegible] [illegible] [illegible] obvrissimi [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] odiosa quandoquidem [illegible]
[illegible] [illegible] excludit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] cum [illegible] sibi [illegible]
[illegible], unde cum [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] iure [illegible] [illegible] pro[illegible] iudicio [illegible], [illegible] [illegible] [illegible]. [illegible]
[illegible] obiectioni facillime rnden[illegible] posse vor[illegible] [illegible] si [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] querela inofficiose donationis ha-
[illegible] & [illegible] ad supplimentum legitime [illegible] [illegible] [illegible] [illegible] [illegible]
ture [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] si [illegible] [illegible] [illegible] [illegible] masse [illegible] [illegible] statuta intro-
ducere, et [illegible] [illegible] quod sint odiosa et [illegible] in [illegible] [illegible] [illegible] [illegible]
[illegible]. [illegible] [illegible] quod Caecilia peteret et possit petere [illegible] [illegible] [illegible]
[illegible] [illegible] quod licet supplementum legitime petere [illegible] [illegible] ex [illegible] [illegible]
[illegible] ad legitimam qui ab intestato succedant [illegible] exclusi [illegible] successione [illegible]
tari petere supplementum legitime, secundum tamen [illegible] Deci. in cons. 276. [illegible] [illegible]
[illegible] in 2° vol. [illegible] Corn. in cons. 290. nu. 3. in 3° vol. cons. 107. nu. 5. 6. 7. 8. in
2° vol. cons. 316. nu. 3. in p° vol. Bar. in l. cum filio. ff. de [illegible] et [illegible]
cons. 429. [illegible] [illegible] [illegible] [illegible]. Rom. cons. 10. [illegible] [illegible] consultationis
ad legitima [illegible] [illegible] eius, quod [illegible] [illegible] ab intestato [illegible] no-
uissima. C. de inoffi. testa. l. [illegible]. §. quoniam [illegible] [illegible] [illegible]
et [illegible]. l. [illegible] [illegible] cum. C. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Caecilia
[illegible] statutum de succes. ab intest. sic exclusa a successione [illegible] [illegible] ex-
clusa [illegible] [illegible] legitima cum [illegible] statutum legitima tolli possit [illegible] salem mi-
nui secundum comm. opi. [illegible] ab Aymo. [illegible] cons. 230. nu. 2. in 2° vol.
[illegible] [illegible] loca [illegible]. Nihilominus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] dote [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] exclusa a statuto [illegible] [illegible] Deci. cons. 370. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dotem [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]. et l. [illegible] [illegible] [illegible] [illegible]
[illegible] si [illegible] ca. C. de dot. promis. Ang. in cons. 126. [illegible] cons. 228. [illegible] [illegible]
[illegible] dot. promis. et in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cons.
102. [illegible] in 2° vol. et cons. 111. nu. 8. [illegible] vol. [illegible]. 48. [illegible] [illegible]
[illegible] 44. nu. [illegible] et cons. 88. n. 8. [illegible] [illegible] [illegible] [illegible]. C. [illegible] [illegible]
[illegible] [illegible] [illegible] dote [illegible] [illegible] [illegible] dote [illegible] [illegible] no. [illegible]
ff. C. de dot. promis. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] explicant, dicentes dote [illegible] [illegible] [illegible] [illegible] [illegible] &
quae salem ad legitimam ascendat [illegible] [illegible] Capr. cons. 58. nu. 2. cons. 101. nu.
[illegible] cons. 81. nu. 10. Corn. cons. [illegible] et cons. 202. nu. 10. in 2° vol. [illegible] [illegible]
xi col. 12. et Franc. [illegible] cons. 27. col. 14. [illegible] quod si statuta [illegible]
[illegible] dotari, intelligitur [illegible] dotari arbitrio boni viri seu [illegible] [illegible] [illegible]
[illegible] [illegible] arbitrium [illegible] [illegible] esse [illegible] legitima: quod [illegible] Bal. in l. si
[illegible] ca. C. de dot. promis. [illegible] [illegible] [illegible] Deci. cons. 180. [illegible] cons.
[illegible] col. 1. in 1° vol. et Franc. [illegible] cons. 27. et cons. 38. [illegible] [illegible] cons. [illegible]
[illegible] cons. 17. col. 20. et col. 32. [illegible] [illegible] [illegible] [illegible]. [illegible] quod si sta-
tutum [illegible] mulierem dotari arbitrio [illegible] [illegible] [illegible] [illegible]

culos [illegible] ad dotem [illegible] minus legitima, sed [illegible], si illa ad suc
[illegible] Bal. [illegible] & [illegible] in auth. ne quis. C. de [illegible] [illegible] cons.
.[illegible]. contra Gregorium ~~[illegible]~~ [illegible] cons. 340. in [illegible]
Vasqui. in [illegible] lib. 2. § 20. nar. 4. [illegible]
[illegible] auth. [illegible] C. de [illegible] cons. 17. nu. 2. col. [illegible]
[illegible] in 4°. col. & quod ad [illegible] dos [illegible] esse minor legitima [illegible]
Deci. cons. 270. [illegible] 2°. [illegible] cons. 181. nu. 5. & cons. 370. nu. 14. [illegible]
[illegible] Alle. cons. 107. in 2° col. nu. 12. & cons. 310. in [illegible] & hoc ideo, quia dos
succedit loco legitimae ut [illegible] & [illegible] & idem [illegible]
[illegible] Alle. [illegible] in 2° col. cons. [illegible] nu. 6. 7. 8. [illegible] col. 2°. [illegible]
[illegible] § [illegible] [illegible] & [illegible] in [illegible] C. de
[illegible] cons. in cons. 108. [illegible] col. 1. & cons. 148. in [illegible]
[illegible] [illegible] nu. 10. Rom. cons. 64. nu. 2. [illegible]
cons. 31. in prin. & cons. 124. in prin. [illegible] cons. 17. col. 3. Alex. cons.
[illegible] nu. 2. in 2°. col. [illegible] [illegible] legis quae in [illegible] [illegible] &
~~[illegible] quod Bal. cons. 121. nu. 3. [illegible]~~ [illegible] esse ~~[illegible]~~ & eo quod s[illegible]
~~[illegible] loco legitime, quod [illegible] ipsa legitima.~~ & [illegible] in [illegible] col. 1
[illegible] ~~nu. 38. [illegible] dote [illegible] ad legitimam~~ [illegible] [illegible], quod &
~~[illegible]~~ & quod mulieres ex
clusae a successione per masculos [illegible], & dos non [illegible] minor legitima
[illegible] constitutio nostra sub [illegible] hoc volui
expressisse in [illegible] & quod in supradictis [illegible] constitutioni [illegible]
[illegible] in casu intestati [illegible] esse in casu testati, [illegible]
[illegible] quod [illegible] quod feminae usque ad legiti
mam [illegible], & [illegible] alia constitutio [illegible] filiab. [illegible] 133. dicit
[illegible] aliquid [illegible] esse [illegible]
[illegible] minus legitima [illegible] tali statuto [illegible] ex supradictis
[illegible], tamen [illegible] aliud [illegible]
[illegible] ut [illegible] licet sit minus legitima, non tamen longe dis
tet a legitima, & hoc comprobatur ex alia constitut. 132. [illegible] & alijs
[illegible] [illegible] excussa [illegible] in testamento
[illegible] posse [illegible] ad supplementum dotis [illegible] si non sit ei tantum
[illegible] quod [illegible] & [illegible] (ut dicta
constitutiones [illegible]) [illegible] in casu testati filiae relinquit
[illegible] legitima [illegible] minus [illegible] relinquat
[illegible] supplementum [illegible], quod supplementum nullo modo [illegible]
posse, si illa constit. 133. [illegible]
[illegible] filiae [illegible] nil amplius [illegible]
[illegible] posse [illegible] d. const. 132 [illegible]
133. intelligenda, [illegible] minus legitima sit [illegible]
[illegible] longe [illegible] a legitima [illegible] in [illegible]

Quadam usus videtur circa Caecilia cum unica filiam et transversales et
moriens dotem omnia autem ordine ... primo et humanitatis offi-
cii ... relinquit n. patrimonium duc. 1200 ... cum ex dicto Caecilio Tobiae et alii
... quia ... ius adversarij ... diffiteri et manifestissi-
mis probationibus fuisse elucidata, nisi index a quo appellatur contrarium ful-
minasset ... sup. d. dicto testes ... dos autem Caeciliae fuit 2 ...
et relicta duc. 30 ideo ... summa non ... ad duc. 90. legiti-
ma autem eius fuit et est duc. 400 ... novissima ...
... initium fuit ... ex quo ... modo filia unica ...
... relinquit ... nec ... partis legitimae, ...
... dotis ... data, ... legitima dubio ...
loco ... consi. 133. sed ... consi. 132. unica ... consi.
145. ... ab ... distinctione maximi 132. in iudicis arbitrio
ponitur ... et dotis ... quia iudex ... arbitrari an relicta
dos a ... data ... sicuti ... iure ... idem ...
arbitrio iudicis relinquatur ... conclusio iudicis ... cuma. cons. 46.
in fi. ... patrimonii ... quod ...
... iudicis et boni viri arbitrio ... supplementum ... posse ...
... tempore ... ad quod ... arbitrio s. iudicis
et boni viri ... dotis in l. quaero. in l. cum post s. gener et
s. nuptiam ... dot. ... in ... C. ... l. 4a.
... in d. cons. 102. nu. 4. col. 2. ... in fi. et quod arbitrium non
sit minus legitima, idem cons. 91. nu. 6. 7. 8. col. 2. cons. 48. nu. 27. usque ad fi. ...
cons. 202. nu. 10. in 2a col. Deci. cons. 180. ... ubi ... ...
... iudicis ... praesumptione esse quod ...
... boni ... et quod idem sufficit ...
... amoris, ut ait ... in l. si ... in ... nu. 30. ...
... Deci. cons. 20. cons. 270. ... in 2a col. ... aliis locis ... supra
... alia ... dotis ... haec ... moriens ...
... ex eo quia lex magis ... considerat ...
... et ... in l. ... C. ... l. ...
... can. Quia ... in ... l. ...
... obligat. ... appareat ... imple-
... dotis ... relicta ...
... legitima ... ideo in hoc ...
... et sicut ... visibili et palpabili ... iudicis arbitrium est
necessarium, ut supra ...
Praeterea Deci. cons. 180. ... in Lau. ... cons. ...

[illegible] ind. ad [illegible] in [illegible] enormis laesio quod supplementum [illegible] enor-
mi [illegible] excedit dimidium iustitiae, in casu autem [illegible] ad [illegible]
dimidium excedit [illegible] et tres ex quatuor partibus ut [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] corn. in cons. [illegible] [illegible] ad [illegible] in 2° vol. et cons. [illegible]
[illegible] ad [illegible] [illegible] col. in [illegible] locis [illegible] quae [illegible] causa [illegible]
[illegible] [illegible] [illegible] de voluntate [illegible] et [illegible] statuto [illegible]
[illegible] [illegible] [illegible] [illegible] cum dos [illegible] data fuerit et [illegible]
[illegible] [illegible] [illegible] nec obstabit si dicatur imo [illegible] dotem Caeciliae [illegible]
[illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]; quia [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] corn. cons. 202 [illegible]
in 2° vol. Secundum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 4 et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] instrumentis in dicto loco factis, [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] rationis [illegible] facultatis patrimonii [illegible] [illegible] [illegible] [illegible] [illegible] illud [illegible]
[illegible] [illegible] sed [illegible] [illegible] [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] in
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible]
et [illegible] et [illegible] [illegible] [illegible] in [illegible] [illegible] col. 4. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] n. 4. col. 2° et cons. 310 [illegible] n. 6. col. 1. et [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] si fidem [illegible] [illegible]
[illegible] [illegible] [illegible] et ad [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et
[illegible] rationis, unde si sola [illegible] rationis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] esset [illegible] in [illegible] quod tria [illegible] [illegible], imo et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] tria [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] aliquid [illegible]
[illegible] [illegible] l. si quando. ff. de leg. 3° c. si papa. et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] si [illegible]
[illegible] facultatum patris Caeciliae [illegible] [illegible] valoris duc. 1200. nulli dubium
[illegible] [illegible] [illegible] [illegible] si [illegible] [illegible] duc. 70. [illegible] [illegible]
[illegible] [illegible] [illegible] fuit filia unica patri suo. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quia ut ex [illegible] [illegible] [illegible]
et oportuisset [illegible] [illegible] quod [illegible], [illegible] [illegible] non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
maxime [illegible] [illegible] facultati [illegible] [illegible] et [illegible] dote. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] in plus [illegible] hac [illegible] [illegible], facultatis
[illegible] et additionis [illegible] [illegible] unicum [illegible] [illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] dos [illegible] [illegible] minor [illegible] vel [illegible]
[illegible] [illegible] ab ea [illegible] [illegible] [illegible] [illegible] maior quia maior [illegible] [illegible]
[illegible] [illegible]. Ceterum [illegible] [illegible] [illegible] ex adverso [illegible]

[illegible] quam ex [illegible] in [illegible]: regionis consuetudinem [illegible] quando quidem [illegible] diuersae sunt familiae diuersi [illegible] et diuersae facultates, non [illegible] [illegible] dotis [illegible] [illegible] [illegible] sunt [illegible] [illegible] personarum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed quod [illegible] consuetudinis regionis [illegible] ad Caeciliam et eius familiam ac [illegible] facultates non facile [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] personas [illegible] [illegible] [illegible] in [illegible] fuerunt [illegible] fuisse ex familijs [illegible] dignis, ac [illegible] familia Caeciliae [illegible] habuisse in bonis [illegible] [illegible] Caeciliae [illegible] cum [illegible] [illegible], nec [illegible] fuerunt [illegible] ex diuersis non [illegible] [illegible] [illegible] non [illegible] [illegible] cogna. cum [illegible] et cui dubium, quin dos quae minima esset [illegible] et diuiti, in duc. mille, maxima [illegible] [illegible], cui [illegible] [illegible] eiusdem regionis. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Praeterea dico tempora esse uariabilia [illegible] [illegible] [illegible] uariari, nec [illegible] de uno ad aliud [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] consuetudinis dotandi de minori [illegible] ad maiorem. sicuti usus [illegible] ex [illegible] docet: unde ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] maxime [illegible] temporis distantia [illegible] in [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible], cum ibi no. ff. ad. l. falci. et in. l. ii. C. de [illegible] [illegible] [illegible] [illegible]. [illegible] in. l. cum tempore. §. i. [illegible] [illegible] [illegible] [illegible] in [illegible]. sed [illegible]. [illegible] ni uxo. [illegible] ibi [illegible] quod si [illegible] [illegible] dos [illegible] [illegible], filii secundo nubenti [illegible] [illegible] dari, quam prius [illegible], indicis [illegible] arbitrio, [illegible] [illegible] uariationi et facultatis [illegible]. Sequitur itaque quod consuetudo regionis non [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] Caeciliae et si fuisset [illegible], quod [illegible] non [illegible] [illegible] [illegible] personarum [illegible] et facultatum [illegible] sunt [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible], [illegible] ex uerbis iuris municipalis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] succedere loco legitimae [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] nec dotis supplementum [illegible] [illegible] [illegible] [illegible]. Quia [illegible] [illegible] [illegible] esse illa [illegible] [illegible] dotis [illegible] fuit actio Romanorum, [illegible] [illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible] nec. [illegible] lib. 4. cap. 3°. [illegible] dos succedat loco legitimae, non [illegible] [illegible] dotis [illegible] supplementum [illegible] non posse quia licet [illegible] [illegible] [illegible] supplementum [illegible] [illegible] [illegible] [illegible] supplementum dotis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] distare a legitima [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hoc casu, quo intelligitur [illegible] exceptio, [illegible] no. [illegible] [illegible] [illegible]. 30. Praeterea quod dos succedat loco legitimae [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. 2° col. [illegible] [illegible] [illegible] statuti sub dicta rub. [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] non ualeat [illegible] [illegible]. Sed Caecilia non [illegible] [illegible] [illegible]

id tantum dumtaxat dotari, ergo desiderio non obstante nec summa [illegible] filiarum [illegible]
[illegible] premissum quod [illegible] excludit feminas [illegible] a [illegible]
[illegible] bonis [illegible] in [illegible] cons. 48. nu. [illegible] in 2ª col. et cum post mortem [illegible]
[illegible] in bonis [illegible] in [illegible] [illegible]
[illegible] si excluderentur sine causa [illegible] [illegible] lib. [illegible] [illegible]
[illegible] maior [illegible] [illegible] hodie aut [illegible] nullum [illegible] aliud quam
[illegible] in [illegible] et anno [illegible] imo cum tota substantia [illegible]
d. Cecilia unica filia [illegible] si nil aliud [illegible] possit [illegible] bonorum
successione [illegible] quod maxime absurdum foret. Considero ulte
rius [illegible] Cecilia a [illegible] ex [illegible] et [illegible]
[illegible] odium [illegible] si [illegible] masculo excludatur [illegible] [illegible] hoc
[illegible] a natura [illegible] [illegible] num. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] cons. [illegible] [illegible] [illegible] [illegible]
et sono in cons. incip. Consilium [illegible] dicit [illegible] cui consilio subscri
sit Jo. de imo. In casu dum [illegible] excludiis esse [illegible]
[illegible] fieri [illegible] contra ius et divinum et huma
num et [illegible] nature, ac [illegible] sit exclusa. maxime [illegible]
in materia favorabili [illegible] actis [illegible] dicitur favorabilior, [illegible]
[illegible] [illegible] cons. 8. in ult. col. [illegible] causa dicitur
[illegible] cons. [illegible] col. 2. [illegible] et [illegible] 180. col. 2. [illegible]
[illegible] 201. [illegible] 2. in 2ª col. [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] in [illegible]
[illegible] si [illegible] quod [illegible] Cecilia dote iam [illegible]
[illegible] amplius non posset reclamare [illegible] hoc argumentum nulla [illegible] imo [illegible]
[illegible] nil [illegible] adhuc [illegible] [illegible]
[illegible] [illegible] enormissima [illegible] et [illegible] summa [illegible]
[illegible] Dec. in cons. 181. nu. 1. 2. 3. in 4ª col. [illegible] [illegible] in facto [illegible]
[illegible] [illegible] [illegible] in c. ij. et [illegible]
[illegible] [illegible] ubi [illegible] [illegible]
[illegible] qui [illegible] [illegible]
quod [illegible] Cecilia [illegible] [illegible] [illegible]
[illegible] 195. [illegible] quia dico modo [illegible] non supplementum [illegible]
[illegible] dotis [illegible] quae [illegible] succedat loco [illegible] non [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible]
in [illegible] [illegible] [illegible] Cecilia [illegible]
a [illegible] excludiis non [illegible] [illegible] [illegible]
[illegible] [illegible] cons. 200. post nu. 6. [illegible] nec obstat quod [illegible]
[illegible] 2ª col. [illegible] Cecilia [illegible] [illegible]
[illegible] fol. 123. quibus [illegible] asserta donatio [illegible] facta, [illegible]
Cecilia [illegible] [illegible] donatio [illegible] [illegible]
[illegible] donatio facta [illegible] [illegible] ideo donationem potius
testamentum machinatum [illegible] ne posset mutari [illegible] sicut [illegible]

ii factũ fuisse testamentũ &c. hec omnia fauore cecilia respiciunt, [illegible]
[illegible] ea iudicentur [illegible] Ex.^m D. Vic.^m in cuius arbitrio natura tota [illegible]
[illegible] uideantur. Concludendo itaque ex his omnibus et singulis puto [illegible]
[illegible] iudicandum ad fauorem [illegible] [illegible] mair [illegible] iudicij i[n] quo [illegible]
dicatum, et [illegible] parti ipsius mulieris [illegible] et [illegible] melius [illegible]
[illegible] admissis saltem Cecilie [illegible] [illegible] ad [illegible]
[illegible] saltem [illegible] illud uiduis patrimonii [illegible] nullo [illegible]
[illegible] [illegible] [illegible] Cecilia condemnari [illegible] [illegible]
[illegible] patrimonij ualor[illegible] poterit liquidari; [illegible]

Flaminius de Rubeis iur. ut. [illegible]
Utinensis minimus; saluo [illegible]

[illegible]

[illegible] arlaminto [illegible]
[illegible] adunatione homi[illegible]
[illegible]
nō habea privilegiū. Vel [illegible]
[illegible] collerata [illegible]

[illegible]

... principalis ... [illegible] ... a toto populo ... [illegible]

... [illegible] ...

... consiliariis: ... [illegible] ... fecerunt, sed ex ... [illegible] ... officii in ... [illegible] ... filii ...

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] anno . 1551 . per syndicu terre Glemone, et altera et anno 1561
[illegible] conradum franciscolinum, quam utrumque Leonardus ipse [illegible]
[illegible] quae sententiae contra praedictos syrenas late sunt, a
quarum qualibet ipsi appellarunt, iccirco nihil et utriusque [illegible]
entia nullitatis et iniusti[tia] in partionibus [illegible] dici potest [illegible]
[illegible]
cludo nulliter [illegible] Syrena [illegible]
[illegible] uti male et iniuste ipsos fuisse [illegible]
[illegible]. Syndicus n. terrae Glemonae [illegible]
Junij [illegible] ut in [illegible] fol. 24 . in [illegible] comparens in [illegible]
[illegible] proponit, quod literae duc. in materia ho[illegible]
[illegible] anno . 1488 . die 16 . Junij et Carero [illegible]
[illegible] parcatur, ne eorum fortunae subver[illegible]
[illegible] vero hospitum [illegible] decernit; an hospites [illegible]
ras ipsas et carero observare: sicque interrogati Syrena, [illegible]
paratos literis obtemperare, dummodo et alij [illegible]
vero introducunt, et interpellatus [illegible] se eis [illegible]
[illegible]
Quod ex quo [illegible] clare [illegible]
contra hospites inobedientes procedatur, et per [illegible]
[illegible] Syrenas [illegible] fuit [illegible] non [illegible]
ut supra [illegible]
[illegible]
[illegible]
[illegible] stare, [illegible] iniuriri [illegible]
[illegible] Glemone [illegible]
carero, vellent literis obedire [illegible]
[illegible] si qua [illegible] fuisset, quod [illegible]
[illegible]
[illegible] et [illegible] inobedientes [illegible]
[illegible]
[illegible]
[illegible]
[illegible] per rex [illegible]
[illegible]
[illegible]

[illegible] Sed [illegible] gravi[illegible] [illegible]
[illegible]
[illegible]
[illegible] 3.° [illegible] monetas
[illegible] expenderunt. 4.° quod in monetarum commutatione lucrari sint [illegible]
[illegible] Accedo ad primum, et quidem In toto processu nullum [illegible]
merchaturam exercuisse, Solus tamen [illegible] Jac. Coda [illegible]
minatim [illegible] ponit eos sub suo dacio [illegible]
vini cossia 2. situlas 3. buzzias 16. Cuius quidem [illegible]
ex [illegible] appareat Syrenas sub dacio anni 1550. 1551. [illegible]
Jac. Coda [illegible] ad impositionem [illegible] vini [illegible]
[illegible] hec dici possit [illegible] mercatura [illegible]
[illegible]
[illegible] et nil aliud [illegible]
[illegible] quod Syrene [illegible]
[illegible] vini fuisse [illegible] vini
[illegible]
[illegible] admittitur presumptio [illegible] exercitiae Rota. de. iij. [illegible]
[illegible] col. [illegible]
[illegible] facile [illegible] obiectum [illegible] et [illegible] omitto tamen [illegible]
Joannes Carius. 31. testis contra Syrenas non [illegible] interrogatus [illegible]
[illegible] nescire. quod Syrene merchaturam exercuerit, sed [illegible] vidisse
annos [illegible] vendere. quod tamen dictum nullum est [illegible], quia
nullus alius testis hoc dicit, quo fit, ut testi singulari non sit cre-
dendum [illegible] ex. [illegible] C. de testi. [illegible]
[illegible] non sequitur [illegible] mercaturam exercuit, quia potest esse, quod illi panni
non essent sui, sed alterius, vel [illegible] sui, sed [illegible] domus
sue, unde ad hoc, ut merchatura facta dicatur [illegible]
[illegible] artificum, et venditio pannorum, et [illegible]
[illegible] non sufficit [illegible] venditum fuisse [illegible] magna [illegible]
[illegible] non
[illegible] emptione, aut in sola venditione, sed in emptione
[illegible] simul. Et [illegible] sic sublatum primum obiectum.

Venio ad 2.^m obiectum de muneribus [illegible] et toto [illegible]
[illegible] annis [illegible] toto tempore, quo hospitium in
terra Cremone exercuerunt [illegible] omnes [illegible]

[illegible]

Et sic [illegible]

[illegible]

gra. ab amicis. unde al [illegible]

pugnamus. ine [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Sexta [illegible]

[illegible] sicut [illegible] Luca [illegible]

[illegible] ex suo [illegible] enarrationes [illegible] 1500 [illegible]

[illegible] assertum [illegible] a terra [illegible]

[illegible] eorundem [illegible]

[illegible] nenetianus [illegible]

[illegible] angelinus. is. [illegible]

[illegible] ex [illegible] quia [illegible]

[illegible]

[illegible] eius dominum iuribus [illegible]

[illegible] nunc [illegible]

[illegible] Alemanie negociatorum [illegible] omnes

[illegible] utendur [illegible]

[illegible] malis medijs, et similibus id posset tuvari quod tn omitto [illegible]
[illegible] in causa tam clara tempus [illegible] aliquid dubij superesse videretur.

[illegible]

[illegible], ut deponunt duodecim testes fide digni [illegible]
[illegible] ex eis [illegible] examinati, ut in processu [illegible]
fol. 68. usque ad fol. 72 [illegible]

[illegible] ultimi [illegible]

[illegible] maria [illegible]

[illegible] fra[illegible]
[illegible] tamen [illegible]
[illegible] dimona [illegible]
[illegible] quoque
[illegible] in hac causa fac[illegible]
[illegible] fuissent sub[illegible]

[illegible] examinati [illegible]
[illegible] nom[illegible]
[illegible] calumnia[illegible] quidem eiusmodi, qui [illegible]
in terra [illegible] maligni[illegible], et alis quod [illegible]
et diuini [illegible]

[illegible] omnes [illegible]
[illegible] examinati deponunt sub dicto. 8. capto. [illegible]
[illegible] examinator in causa [illegible] Leonardi [illegible]
[illegible] depositiones [illegible]
[illegible] fol. 183. usque ad fol. 187. [illegible] maxime, quia natura
[illegible] ex quibus [illegible] diuersos viros [illegible]
[illegible] quibus ipsi inculpati absoluti fuere [illegible]
[illegible] dicta die. 27. februarij 1501. ut in processu fol. 183. et [illegible]

[illegible]

[illegible]

las quasdam breves continens [illegible] in medio afferam.

o parte [illegible] junior

et suis [illegible]

et multis [illegible] ad [illegible]

[illegible]

quia si dicerent ipsos non esse [illegible]

[illegible]

matrimonium fuit [illegible]

[illegible] matrimonii [illegible]

licet tempore nativitatis [illegible]

[illegible] legitimos vel successib[illegible]

[illegible] filii [illegible]

[illegible]

ad potuisse matrimonium contrahere vel saltem legitimare iam natos ante
... uxorandum potest videri ... in hac specie fuisse ... ma
tres viros post longas disputationes tandem contrarium. hoc vero quod
... filios ...
matrimonium legitimari. ... tenuerit. Bal. ... cum ...
§ naturales. n° 9. ... do. ... Ang. ...
... fil. ... legi. Jo. And. ... in ...
... in c. ... § secundo aut. n° 12 ...
... ad ... n° 60. Jo. ... in trac. ...
... a Pet. ... n° 350 ...

S° clare videtur quod clericus in minoribus ... habere ... licet ...
... nd. §. si quis aut. monasticam. in aut. de monach. ... si ...
... iure civili ~~...~~
... iure ...
... Secus aut de iure canonico ... Restituti... ... excep...
... uxor ... ex ... laico ...
... legitimavit ... coeuntes ...
... iure ~~...~~ civili ...

... D. ... beneficium curatum ... illud ... recipiunt ...
... facta ... dispensatione ...

[illegible]

... cap. D. Julius tenuerit et tamen habuerit curatum beneficium cum d... Saccione non ordinavit et promoverit ad sacros ordines et in mino... ... habuerit matrimonium contrahere ut subjunctus est dottes ... sunt legitimati ... sine ... [illegible]

... 682. ... quo ad successionem et quo ad omnia ... sibi ... a legitime natis et ad ... dicimus ... in ... in ver. ... ff. ex. cds. 5.

... legitimati ... matrimonii sequuntur ...

[illegible]

... 17 ...

... 8 ...

[illegible]

... initio ...

[illegible]

... 81 ...

[illegible]

... cod. ... col. fi. ...

~~[illegible]~~

... xx. ... elec. ...

[illegible]

... subsequens matrimonium ...

... matrimonio ...

[illegible] ex [illegible] n°. 8 [illegible]

[illegible] filii [illegible] Parimodo [illegible] legitimatis [illegible] succedit in [illegible]

[illegible] Dominus [illegible] Cardi. et alii [illegible]

[illegible]

De [illegible] qui nascuntur filii [illegible] nati sunt [illegible] adducit [illegible] in c. 67. n°. 8. in p°. uol. [illegible] spurii [illegible] ipsi spurii ac [illegible] filii nominandi sunt nec parentibus succedunt nec ab illis aluntur [illegible] in corpore [illegible] inueniuntur [illegible] lib. xij. [illegible] ad [illegible] bastardi [illegible] in [illegible] coit. [illegible] filii [illegible] apprimuntur. Pau. Gul. [illegible] in trac. de [illegible] omnia. coi. [illegible] n°. 3. Et sacerdotis [illegible] Bar. [illegible] Landus [illegible] n°. 2. l. [illegible] ubi doc. [illegible]

[illegible] Sons. C. de his qui spon. pub. mu. sub. lib. x. [illegible] ad [illegible] col. [illegible] in p°. uol. [illegible] et in [illegible] nouissime [illegible] Bastardi [illegible] in [illegible] uol. [illegible] filii [illegible]

[illegible] ut [illegible] qui [illegible] in l. [illegible] fornicationis in illis graue crimen est ut [illegible] Deci. [illegible] n°. 225. [illegible] maxim[illegible]

[illegible]

... citacū. qui fil. [illegible]

... maioris ordin. [illegible]

... ideo natos ex eiusmodi ccubinis illegitimos et illegitimati... non succedere ... ; ... damnatus sit ... si quis natos ex eo ... esse natos, sed spurios, nothaios et incestuosos, ... legitimabi...

... [illegible] ... culpa. col. 6. [illegible]

... si plenitur. Hec tamen obstat, quod hodie omnibus ccubinariis ... interdictus. Sicuide illud ... minus ... [illegible]

[illegible]

... fundamēto ... adducere ... maxima ... [illegible]

... ergo non bene ... ad alia ... [illegible]

... adducitur tex. in §. si quis ... in auc. alio. mod. natur. ... qui. ubi ...

... sentētia matrimonij non legitimari partes ex ea, quia ...

[illegible]

4°. ... ccubina aliena dicatur, adeo quod nati ex ea ... legitimari possint plura requiruntur. p° quod sit ... potuerit subsequi matrimonium. 2° quod sit unica. 3° ... ccubine ... [illegible]

... quod sit ducta ... libidinis explende ... natura ... matrimonium quod non ducerent ... omnia ... si cohortalis.

[illegible]

... fuerint naturales ... nec legitimabiles, nec successibi...

[illegible] rom̄ sui, dū cohabi[illegible] [illegible] ibi [illegible]
[illegible] in casu nostro [illegible] [illegible]
[illegible] [illegible]
[illegible] ut [illegible] 21. dist. c. quidā. 81. dist. [illegible] et si cohabi-
tatio [illegible] fuit [illegible] nati filij nō fuerūt [illegible], ergo [illegible]
6.° [illegible] spurij [illegible] infames [illegible]
[illegible] concludit [illegible] 273. col. 1. assimilantur nāq. [illegible]
[illegible] licet obducta sit cutis remanēt tamē cicatricis signa [illegible]
[illegible] cōs. [illegible] n.° 7. col. 4.° [illegible]
[illegible] [illegible]
[illegible] l. si proprietatis. n.° 7. [illegible] 8. ff. de lib. et posth. [illegible] legitimaem
[illegible] usu [illegible] legitimi. [illegible] cōs. 258. [illegible]
2.° col. [illegible]
[illegible] lib. 2.° cōs. 47. vers. 24. in 1.° tom. [illegible]
[illegible]
[illegible]
[illegible] 3. ideo [illegible] multis [illegible]
[illegible] ut consuluit [illegible] cōs. 62. suo loco [illegible] admittit. sed infami-
[illegible] nō [illegible] portāt dignitatū, nec honor. [illegible] 3. 9. 7. [illegible]
[illegible] sed honor est. ut [illegible] ex testamento [illegible]
[illegible] succedat. ergo spurij et infames, sū honorū nō [illegible] ut [illegible]
[illegible] habeant succedere in fideicommissis potissimū.
[illegible] antecedens habere nō poō, nō poō habere nec [illegible] contrarium [illegible]
[illegible] sed in casu nostro filij [illegible]
[illegible] naturales, quia nō sūt nati ex [illegible]
[illegible] concubina, in [illegible] et quibus [illegible] in 4.° q. 19.° [illegible]
[illegible] aut clericus. in [illegible] mod. [illegible] clerici
[illegible] ordinis sūt concubinę [illegible]
parte, ergo [illegible] sūt.
8.° [illegible] si [illegible]
[illegible] in matrimonio et iure civili [illegible] filij [illegible] nati [illegible]
[illegible] habuit [illegible]
[illegible]
[illegible] filij extra [illegible] sed sufficit [illegible] ut [illegible]
[illegible] mulier illa [illegible] legitimū, nisi sit habita loco concubinę, [illegible]
[illegible] iste concubina, nihilominus nisi sit habita loco concubinę
filij [illegible] secundū matrimonij nō legitimi, quia [illegible] coitus, concubinatu
ex quo natos legitimabiles [illegible]
[illegible] concubina [illegible] si sic in [illegible]
dictū fuit, ergo nec [illegible] natos [illegible] legitimabiles [illegible]
[illegible]
[illegible]
[illegible]

praedictum fuit, isti eiusmodi non sint, ergo nec legitimabiles, [illegible] cum natura- les tamen, ut supra legitimentur, et non alij quod probant [illegible] verba [illegible] dicit quibus mod. natu. effi. sui. quia non dicit quibus mod. spurij, nothi [illegible] incestuosi, aut adulterini [illegible] ergo non ad alios est extendenda [illegible]
[illegible]
[illegible] in [illegible] n°. 30. in 4°. vol.

X°. [illegible] desidere, quod hanc partem plures insignes [illegible] magni viri secuti sunt, hoc est, Bar. in l. in decurionatus n°. 5. ff. de decurio. [illegible] Rosel. in tract. de legitim. [illegible] de causa materiali. lib. 1. n°. 13. Ludo. de Sard. in tract. de legitimat. [illegible] par. in 3. qua. c. de legitimatione [illegible] matrimonium n°. 17. [illegible] in c. [illegible] rabilem in 8. [illegible] n°. 12. [illegible] et alij [illegible]
[illegible]
[illegible] opinioni [illegible]
[illegible] in dubio [illegible] navear [illegible] Bar. qui, ut ait Rip. in lib. 3. interpreta. in l. si unquam C. de [illegible] n°. 45. tutissima navis [illegible] transire [illegible] opinio sicuti [illegible] in hispania [illegible]
idem Rip. lib. 3. respon. cap. 12. n°. 2. [illegible]
[illegible]
[illegible] n°. 2. [illegible]
[illegible] patur. [illegible]
cit [illegible] si dubius [illegible] tunc melior pars esse sequenda [illegible]
lasciviae clericorum occurrerent, cum sancti esse [illegible]
indici [illegible] quod [illegible] Jo. and. [illegible] sine culpa [illegible] dum dixit [illegible]
[illegible] in [illegible] matrimonium [illegible]
[illegible] Jo. and. ibi [illegible] 8. [illegible]

XI°. [illegible] de matrimonio carnali [illegible] spirituale [illegible]
[illegible] in summa 215. sed in matrimonio carnali nulli [illegible]
[illegible] duas [illegible] spirituali duas ecclesias [illegible]
[illegible] nup. 1. [illegible]
[illegible] ut [illegible] quia non nulli [illegible]
Abb. n°. 4. [illegible] 5. [illegible]
[illegible] in c. [illegible] unum [illegible]
[illegible] ad [illegible] 24. c. 17. [illegible] 7. c. 2. [illegible] in c. [illegible]
[illegible]
[illegible] adversus [illegible]
[illegible] unius non esset sufficiens [illegible]
[illegible] duo sint [illegible]

[illegible] ex [illegible] § si uero n° 34. 36. et q. 6. et Cobin. quo loco ai [illegible] 3°
[illegible] desiderando ecclesia ualeat; ubi dicit ibi, ut [illegible]
[illegible] c. edmissa. et elre. n° 6°
[illegible] et opinio n° 0° c. cum si plures. et [illegible] ordinat. § [illegible]
[illegible] Quodsi [illegible] duas [illegible]
[illegible] ecclesias habere licuerit, cum altera deum et alteram mundum. una anima alia
[illegible] celum illa terra sicut, et ostendat. iuxta illud. [illegible] ad [illegible]
[illegible]
[illegible]
[illegible] lingua una tractabit flora, una gladium [illegible]
[illegible] Luca c. 6. et [illegible] c. 30. [illegible]
[illegible] duobus dominis seruire [illegible] unum odio habebit, et alterum diliget
[illegible] sustinebit et alterum contemnet: non potestis seruire deo, et
[illegible] spiritus est qui uiuificat; caro autem non prodest quicquam [illegible]
[illegible] c. 20. [illegible] cap. 14. Luc. c. 22. [illegible]
[illegible] Paul. apostolus ex[illegible] est, ut [illegible]
[illegible] ad rom. c. 8. et [illegible] c. 8. [illegible]
[illegible] carnis sunt, sapiunt: qui uero secundum spiritum sunt
[illegible] sunt sapiunt: Nam prudentia carnis mors est: prudentia autem spiritus
[illegible] sapientia carnis inimica est deo [illegible]
[illegible]
[illegible] carnis mortificauerit, [illegible]
[illegible] Julius eodem tempore et beneficium [illegible]
[illegible] habere [illegible] ducendi uxorem, in hac duo sunt [illegible]
[illegible] sicuti natus ex uxorato, et soluta dicitur natus ex illicito
[illegible] Alex. [illegible]
[illegible] n° 2° [illegible] matrimonij legitimari [illegible]
[illegible] ex [illegible] Julis, [illegible] concubina [illegible] beneficium, [illegible]
[illegible] et non ullo pacto legitimabiles [illegible] clericis [illegible]
[illegible] in maximum omnium scandalum [illegible] sunt nati in adulterio [illegible]
[illegible] legitimari possunt [illegible]
[illegible] sui [illegible] nati [illegible]
[illegible] matrimonium legitima[illegible]
[illegible] ait rex. [illegible]
[illegible] illegitimi, et patri [illegible]
[illegible] honestatis [illegible] et an matrimonium [illegible]
[illegible] plurimis [illegible] mediocriter bonus [illegible]
[illegible]
[illegible] casu [illegible]
[illegible]
[illegible]

[illegible] l. m. d. nu. 350. [illegible] 8. [illegible]

13º Dyn. 203. nº 3. faciat. Nam inter omnes devenit, quod [illegible]
[illegible] matrimonii oporteret [illegible]
[illegible] postea matrimonium [illegible]
[illegible] duceret uxorem, seu noverca [illegible]
[illegible]
qui fil. sunt legit. [illegible] m. l. [illegible] C. de [illegible] dona. n.
ho. [illegible]
[illegible]
[illegible] matrimonium contrahere tempore decubitus. ita Jo. And. [illegible]
[illegible] colateralis [illegible]
[illegible] ad legitimationem [illegible]
[illegible] electionis [illegible] contrahere matrimonium [illegible]
[illegible] m. 6º [illegible]
Sed [illegible]
[illegible] tempore [illegible]
[illegible] ergo nullo facto [illegible] nati [illegible] matrimonii legitimi [illegible]
[illegible] adulterinos filios [illegible] legitimari [illegible]
[illegible] m. d. c. [illegible]
eorum auctoritates Pet. [illegible] in alle. rea. 350. m. 3ª limit. [illegible] & similiter [illegible]
[illegible] legitimari [illegible] ide Dutn. [illegible] m. 6. limit. [illegible]
[illegible] Sed [illegible] sunt qui nati ex D. Julio tempore quo habi[illegible]
[illegible] beneficium [illegible] quo habebat electam uxorem
[illegible] matrimonium subsequens. l. [illegible]
[illegible] natur. lib. [illegible] quod facit [illegible] Bal. [illegible]
[illegible] addiuit [illegible] nati ex [illegible]
[illegible]
[illegible] matrimonium [illegible] falsum esse [illegible]
Ant. Rosel. m. d. [illegible] legiti. lib. [illegible] causa materiali, ubi ait [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Sed salua reuerentia tanti doctoris [illegible]
[illegible] mihi videtur [illegible]
[illegible] ut legitimetur [illegible] matrimonii [illegible] quod [illegible]
[illegible] matrimonium [illegible]
[illegible] dispensationis vel alio quouis [illegible]
[illegible] Ang. in [illegible]
[illegible] matrimonium contrahere [illegible]
[illegible]
[illegible]

[illegible] ad [illegible] districtio Roselli in [illegible]
[illegible] ad dicensum, [illegible]
[illegible]
[illegible] desumat in aliquo extrinseco
[illegible] filius est [illegible] legitimabili
[illegible] beneficia habere vel [illegible] in domo [illegible]
[illegible]
[illegible] illegitimabiles. videlicet [illegible]
[illegible]
[illegible] vel civili publico. secus in actu extrinseco, [illegible]
[illegible] contrario, [illegible]
[illegible] qui diversa [illegible] [illegible] habere [illegible]
[illegible] habere beneficium simplex casu figurarunt et tamen [illegible]
[illegible]
[illegible] adductis patet. cedat itaque [illegible]
[illegible]
[illegible] Et si dicerent [illegible] dispensationis [illegible]
[illegible] casu [illegible]
[illegible] dispensatione [illegible] [illegible] Julius curatum [illegible]
[illegible]
[illegible] respondeo quod [illegible]
[illegible]
[illegible] extendenda secundum eidem Abb. in c. ii. n°. [illegible]
[illegible]
[illegible] dispensationem [illegible] sine iusta causa [illegible]
[illegible]
[illegible]
[illegible] est tutius quo ad deum, quod et firmat in c. [illegible]
[illegible] n°. 20. [illegible]
[illegible]
temporis ordinetur. c. [illegible] et alia et [illegible] Ille qui [illegible]
[illegible] firmat, [illegible] Abb. [illegible] n°. 3. [illegible] c. cannon. [illegible]
[illegible] casus [illegible] Julius [illegible] tantummodo, sed [illegible] plures [illegible]
[illegible] suscipiendi ordines sacros [illegible] scorso semper [illegible]
[illegible]
[illegible] castitatis [illegible] innocentia [illegible]
[illegible]
[illegible]
[illegible] certi iuris [illegible] quod duae fictiones circa [illegible]
[illegible]
[illegible] ipsa [illegible] sed si in [illegible]
[illegible] indulto et dispensatione [illegible] quo ad [illegible]
[illegible] plura specialia operant, quod esse [illegible]
[illegible] facultati tenendi beneficium curatum [illegible]

[illegible] matrimonii [illegible]

[illegible] sed impossibile est quod potuerit [illegible] monium tempore quo tenebat beneficium curatum, data ipsius beneficii collatione, [illegible] ad tempus [illegible] [illegible]

[illegible] duplex fuit. nullum hoc [illegible]

[illegible] bene non habet [illegible]

[illegible] in domino [illegible]

[illegible] matrimonii [illegible] ad evitandam fornicationem, ut .1. corinth. 7. in tali casu non militat, si quidem [illegible]

[illegible] causa et in odium [illegible] familiae [illegible] est. Postremo Considero quod etsi isti nati [illegible]

92. [illegible]

[illegible] quod filii [illegible]

[illegible]

[illegible] salsit [illegible] declara. 3. n°. 5. et in trac. [illegible] in vers. [illegible] anni n°. 08. dicens [illegible] praeiudicium tertii. summo [illegible] in ds. 37. n°. 3. [illegible] filios natos ex damnato [illegible] possunt. ut [illegible] doctum fuit [illegible] nec [illegible] nec inter [illegible]

[illegible]

[illegible] causa vertitur inter Sanctum montem Pietatis [illegible]

Excell. iurisc. D. Hier. de Monterinaco [illegible] [illegible]

[illegible] secunda [illegible]

suprema voluntatis, [illegible] aliud [illegible] testamento [illegible]

[illegible]

[illegible] in [illegible] de lud. [illegible]

[illegible]

[illegible] disponat [illegible]

vocabuli [illegible] iudicem, ad quem testamenti [illegible] interpreta[illegible]

[illegible] validitatis [illegible] solemnitate [illegible] debet [illegible]

[illegible]

[illegible] Corne. cons. 87. n° [illegible] in 2° vol. [illegible] validitate [illegible]

[illegible]

[illegible] cons. 244. n° 3. [illegible] in p° vol. [illegible]

in iure [illegible] si opporteat [illegible]

[illegible] dico dispositionem [illegible]

validam esse [illegible]

[illegible] a diffinicione, a qua omnis [illegible]

in l. [illegible] iusti. et iure. in l. omnis diffinitio ff. de reg. iur. [illegible]

[illegible] Barba. in rub. de lib. [illegible]

[illegible]

Testamenti esse [illegible]

[illegible]

[illegible] sententia: Quod si [illegible] in illis diffinitur nulli [illegible]

hac diffinitio [illegible] dispositione D. Joannis Baptiste [illegible]

[illegible]

[illegible] Quinimo [illegible] ipse [illegible] apposita

dispositione [illegible]

[illegible]

[illegible] de [illegible] cum sim. [illegible] hec [illegible]

[illegible] dispositio D. Jo. Bap. [illegible]

est [illegible] testamentum sit validum [illegible] solemnitatis [illegible]

[illegible] sit [illegible] indubitanter teneo [illegible]

[illegible]

[illegible] dec. [illegible]

in l. fi. C. [illegible]

[illegible]

validum [illegible]

[illegible] minor [illegible] tres rogatos venisse qui testamento subscribant [illegible] Signum
[illegible] in nostro negotio interuenisse dicatur. Nam ex depositionibus examinatorum testium
[illegible] testamento facto, constat [illegible] subscriptionibus et signaculis, et
[illegible] super testium [illegible] uideatur, cum 6. tantum interuenerint. Atta-
men dicatur quod testamentum non fuit conditum in urbe, sed in castello seu uilla, quo
[illegible] sufficiunt testes ex dispensatione iuris communis [illegible]
[illegible] ciuis municipalis [illegible]
[illegible] ¶ Nec dicatur [illegible] conditum fuisse testamentum in castro [illegible]
[illegible] constitutionis, septem testes requiruntur, quia respondeo, quod [illegible]
[illegible] et turris, et castris muniatis, continentibus [illegible] accolas, [illegible] castris [illegible]
[illegible] castelli, uel turris, aut arcis nomen meruerit [illegible] Castri [illegible]
[illegible]
[illegible] domicilium [illegible]
[illegible]
[illegible]
[illegible] domicilium habere, ideo cum sit eadem ratio in illis, qua est
[illegible] maior [illegible] multo magis [illegible]
[illegible]
[illegible] Castri [illegible] tradita in l. [illegible] C. de fund. limitro. lib.
.X. [illegible] formalia [illegible] Castri dicitur [illegible] quia
[illegible] coercetur licentia inhabitantium, et sic [illegible] differentie
[illegible]
[illegible] locus [illegible]
[illegible] facile custodiri possit. [illegible]
[illegible] 166. nº. 28. in 6º. uol. [illegible]
[illegible] Castri [illegible]
[illegible] ¶ Praeterea [illegible]
[illegible] inter liberos. [illegible]
[illegible]
[illegible] lib. [illegible] nº 166. [illegible]
[illegible] iii. nº. 16. in 3º uol. ergo saltem [illegible] ualidum esse [illegible]
testamentum cum [illegible] testibus [illegible] ¶ [illegible] imo certi iuris est quod
in testamentis factis ad pias causas iuris solemnia relaxantur. [illegible]
ex seculari [illegible] c. cum esses. de testa. ibi no. Abb. et alij. Bar. in [illegible]
[illegible] col. fi. C. de sacrosan. eccle. ubi [illegible] Sal. et Jas. in 6º. [illegible] nº. 30. [illegible]
29. [illegible]
pia causa priuil. 14. [illegible] in terminis nostris quod duo, uel tres testes sufficiant
in testamento ad pias causas, et si feminae sint, [illegible] si non sint rogati, sicut [illegible]
[illegible] cons. 26. in 3º. uol. [illegible]
[illegible] mod. [illegible]
[illegible]

[illegible] Lang[illegible] ubi [illegible] sub n° 58. Tiraquel. in [illegible] tract. de [illegible]
[illegible] q[uod] [illegible] canonice duos sufficere testes, et in [illegible]
[illegible] esse [illegible] feminas admitti [illegible]
[illegible] et auctoritatibus. Et sic [illegible] sacris [illegible] obiectum est solemni-
tate [illegible] magis cum nos simus in dominio Veneto, ubi [illegible]
sufficit [illegible]
legem de qua Num. cap. [illegible] Deuteronom. cap. 17. et cap. 19. [illegible] cap. 18. [illegible]
in [illegible]
ultra quod iuri divino conformat, magna in se continet aequitatem, [illegible]
Bal. in l. [illegible] n° 6. C. de fideicom. [illegible] est [illegible] subdi-
tos dominio Veneto, Venetiis in dominium subiecta [illegible] dixit Caned. in l.
[illegible] n° 7. [illegible] Ias. in l. [illegible] n° 13. ff. si cer. pet.
et legibus non [illegible], sed sua naturali aequitate, quoniam [illegible] recognoscit superiorem
ideo tenet locum summi principis [illegible] lib. 2° [illegible] sub rub.
[illegible] n° 9. qui allegat Bar. in l. hostes. ff. de capti. et postlimi. rever. et Bal.
in rub. [illegible] col. 4. ac Ias. in l. 1. col. 3. C. de [illegible]
et tradit idem [illegible] in l. si insula n° 22. ff. de verb. obliga. [illegible]
in [illegible] ipsa Civitas Venetiarum communis patria ad instar Romae appellatur,
[illegible] Cons. 72. in fi. et [illegible] in Cons. 62. in fi. 2° col. [illegible]
[illegible] Romanos [illegible] et [illegible] Roma quod [illegible]
[illegible] dixerat Bar. in d. l. hostes. ff. de capti. [illegible]
si subditi [illegible] aequissimas leges [illegible]
[illegible] iuri divino [illegible] sacris [illegible]
[illegible] Baptista [illegible] col. 6. [illegible] et subscribentes et subsignant[illegible]
[illegible] est an [illegible] voluntatis testamenti [illegible] subs[illegible]
[illegible] omissis inutilibus disputationibus teneo ipsum [illegible]
voluntatis firmum esse. In contrarium adducitur quod nullus [illegible]
[illegible] testamentum [illegible] ex affectu [illegible]
[illegible] dicitur quod locus est [illegible]
[illegible] huic opinioni [illegible] quia imo teneo [illegible]
sed plures [illegible] esse, quod hoc [illegible] Testator [illegible]
sibi [illegible] filios masculos si umquam aliquos susceperit. 2° si [illegible]
habuerit [illegible]
[illegible]
in alio casu quando nec filios nec filias [illegible]
[illegible] testamento [illegible]
sibi [illegible] Flavia uxor sua [illegible]
[illegible] eius sororij [illegible]
[illegible]

licendi cum testamento, et proinde modum relinquendi continuasse per [illegible] et

ni dico quod illi omnes quibus relictum est heredes instituti censendi sunt

[illegible] adduco no. et [illegible] tex. in l. quoties. C. fam. ercis. quod [illegible]

[illegible] ex eo censetur, quod testator in subscriptione dicit velle se famosum

[illegible] in [illegible] hered.: que verba nil aliud importare possunt nisi

[illegible] hanc distributionem hereditatis sue heres facere voluerit [illegible] omnis

[illegible] relinquerit [illegible] ad [illegible]

[illegible] illos quibus relinquendo tamen hoc [illegible]

[illegible] dicere institutio [illegible] l. quoties. [illegible]

[illegible] disponendi [illegible]

[illegible] nimia subtilitate [illegible] dixit tex. in

[illegible] hered. C. de [illegible] in [illegible] verborum

solemnitas non requiritur sed sufficiunt quecunque verba sive indicativa sive

imperativa modi sive directa sive [illegible] dummodo ex eis testatoris voluntas

appareat. secundum tex. in l. quoniam indignum. C. de testa. et in l. [illegible] C. [illegible]

[illegible] cons. 60. nº. 04. [illegible]

dixit tex. in l. si. C. de hered. insti. quod verba institutionis [illegible] in

[illegible] ambiguitas vitiat institutionem. l. ambiguitatem C. de testa. [illegible]

[illegible] testator supplicatur, ut [illegible] si testator

dicat Titius heres, nec aliud subiungat; immo et si dicat, Titius esto, nec

[illegible] addat, heres tamen [illegible] verba testatoris et Titius heres institu-

[illegible] casti. l. i. §. qui [illegible] ff. de hered. insti.

[illegible]

[illegible]

quod licet usus non fuerit verbis heredes instituo, sed equipollentibus [illegible]

[illegible] distributione omnes quibus relictum est heredes [illegible] maxime

[illegible] testator sua diviserit hereditate, quod verbum [illegible]

[illegible] institutionem [illegible] hoc [illegible]

[illegible] ff. de vulg. et pup. in l. his verbis. [illegible] ff. de [illegible]

[illegible] in l. cum avus. ff. de [illegible] 2º [illegible]

velle sua dispositione habere effectum quoquomodo. l. 3. ff. de [illegible]

[illegible] distributione bonorum omnium [illegible] verbis [illegible]

[illegible] cum maxime nullus [illegible]

fuerit heres. [illegible] Bal. et [illegible] in d. l. his verbis in prin. nº. [illegible]

in d. l. [illegible] in l. [illegible] omnes. C. fam. ercis. et in l. ut [illegible]

C. de sacrosan. eccle. [illegible] Nam certum est quod [illegible]

[illegible]

nullus esset universaliter institutus [illegible] particulari [illegible]

[illegible] universalis efficitur heres, et in universum succedit, sicut tradit [illegible]

in cons. [illegible] nº. 14. [illegible]

[illegible] cons. 66. nº. 19. et cons. 25. nº. 2. Corn. cons. 35. nº. 13. [illegible] 2.

[illegible] et si universaliter [illegible] qui tamen non [illegible]

post aditionem vendidit ille ideo erit quia in ...
universi... Corn. cons. 35. nº. 12. & cons. 91. nº. 5. ac cons. ... nº ...
vol. & est tex. in l. ... § si ex fundo. ff. de heredi. insti. ...
l. cohaeredi. § ... ff. de vulg. & pup. l. ex facto. l. si quis ... l. si al...
... ff. de hered. insti. l. cum quidam. ff. de lib. & posthu. §. ... & si quis
... in. omnes ... quoties ...
communi & ... commune ... Jo. ...
in tit. de lega. ... 2. nº. 2. Tiraquel. in trac. de mort. par. 2. ...
Sed sic est quod in casu nostro nullus ...
... heredis ...
testatoris sustinentur ... testamentum ... maxime ad pias
causas, ne corruat. Plus dixit Corn. cons. 202. nº. ... vol. quia
... omnia bona, ... ad institutionem, & dixit institutio ...
legatum. Quanto ergo magis in casu nostro ... deducta. ...
praemissa ex clausulis appositis in fine dicti testamenti, ... ex clausula codi-
cillari ... ex clausula omni meliori modo ... ex clausula ...
... clausula codicillaris ...
... dispositio ... l. ex ea ... § ex his ...
ff. de testa. Rom. tradit cons. 493. in fi. Corn. cons. 199. vol. ...
... cum clausula. Barba. cons. ... vol. ... Alex. ...
de testa. mili. & in cons. 26. in pº. vol. ...
Bal. in rub. C. si quis omiss. cau. testa. in prin. 2. col. vers. 2º. ... testator &
passim multis in locis doc. tradunt. Clausula autem omni meliori modo ...
... heredes ...
... Alex. in cons. 80. col. 1. ... nº. 3. 4. ...
... cons. 14. ... in pº. vol. ... cons. 77. nº. 4. ... vol. ...
... Mars. cons. 118. nº. 8. 9. 10. ... nº. 57. 58. ...
... ff. de ... l. si ... quis ...
... testamentis ... clausula ...
... consilio ...
... cons. 345. ... in ... in ... l. his verbis
... Clausula ...
ad consilium sapientis ... omnia ... & omnes clausulas ...
... ad validitatem testamenti ...
... cons. 157. nº. 13. ...
... in addi. col. 1. vers. ... de verb. ...
... addi. Alex. in l. ... qui ... cog. ... in l. quicquid astrin-
gendae. ff. de verb. oblig. ... in c. ex literis. col. 4. vers. quid ...
et ... Bal. in l. sancimus. col. 1. vers. sed quid si ...
verb. signif. ... l. humanitatis. col. 14. ...

[illegible] capitaneus [illegible] dic. C. de testam. mili. Imol. in [illegible]
[illegible] dato. §. haubus ult.º ff. manda. & in l. illa in ureuio [illegible] fid
iudi. instr.º [illegible] aut quod si testator dixisset quod illos quibus nominaverat, intellexit
ut liberi, illi esse sunt scrupulo liberi, sed licet hoc non dixerit, [illegible] apposuit [illegible]
[illegible]
[illegible] actionis, quia [illegible] testamentum [illegible]
[illegible]
ione solemnitatis validum & effectum [illegible] Plus tamen [illegible]
[illegible] ione solemnitatis, sed de ione voluntatis [illegible] pias
causas, admi [illegible] & [illegible]
[illegible] cons. 105. col. 3. in 4.º vol. & in l. [illegible]
Extenit fernan. vasquii. in Illu. trac. de success. creat. lib. 3. §. 21. [illegible]
[illegible] testamento pias causas
[illegible]
[illegible]
[illegible] cons. 5. col. 8. [illegible]
[illegible] cons. 97. [illegible] indicatur. col. 1. de testi.
Bar. in l. 1. C. de sacros. eccle. [illegible] indicatur. col. 1. et testi.
& firmia. in trac. de episcopo. q. 31. 4.te [illegible] lib. 4.º [illegible]
[illegible] & hic [illegible]
[illegible] quod omnes quibus relictum est in d.º testamento [illegible]
[illegible] relictum. [illegible] C. de edic. divi hadri. toll. & [illegible]
[illegible] de mitten. in possess. [illegible] Nec excell. D. Hier.s legitimus est contradictor, nec
[illegible] successionem [illegible]
[illegible] esse expeditum causam testati excludere causam intestati, & [illegible]
[illegible] tractat [illegible] lib. [illegible] Corn.
[illegible] causa intestati [illegible]
[illegible] ex quib. [illegible]
[illegible] de interrogatio [illegible]
[illegible]
[illegible] ex [illegible]
[illegible] dicitur, quod in dubio interpretatio facienda est ut
testamentum sustineatur, & ad praemissa facit, quae in [illegible] colligit Corn.
cons. 216. n.º 12. in 3.º vol. Hie. Boer. cons. 53. n.º 12. [illegible]
[illegible] & [illegible] C. comm. de successio. quod testamentum [illegible]
[illegible] de codicilis. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] C. de bono. success. [illegible]

et si est exheredati quod nullo casu xxiii. [illegible] qui [illegible] successionem [illegible]

[illegible]

[illegible]. Ultimum eius nepotis. Alij autem bene venit, [illegible] [illegible] eius [illegible], et [illegible], quia etiam si non valeret testamentum, ut testamentum, potest tamen valere [illegible] doceri fuit, [illegible] [illegible] non [illegible] testamenti [illegible], quia ita voluit testatori [illegible] cautela a doc. traditur. et [illegible] videlicet Corn. cons. 215. n°. 10. in 2° vol. et [illegible] hac finis impositus sit primae consultationis parti.

Circa autem secundae consultationis caput, [illegible] quod dato sine [illegible] [illegible] praeiudicio [illegible] [illegible] [illegible] aliis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] propria auctoritate [illegible] [illegible] opinioni videtur adversari [illegible] in l. i. C. quorum legat. [illegible] [illegible] consuetudo [illegible] [illegible] sub rub. 149. et [illegible] legatar. glossa aut. [illegible] in [illegible] locis habetur, quod legata [illegible] [illegible] glossa [illegible] a legatario [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] respondere posset [illegible] [illegible] quod testator [illegible] licentiam [illegible] [illegible] [illegible] propria auctoritate legatum capiat, commune est doc. opinio [illegible] [illegible] Jul. clar. [illegible] lib. 3. § [illegible] 08. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] succes. [illegible] lib. 4°. § [illegible] n°. 16. qui [illegible] dicit [illegible] [illegible] [illegible] auctoritate [illegible] licentia [illegible] dari [illegible] [illegible] sic, ut [illegible] nota [illegible] 2. [illegible] [illegible] Rip. in [illegible] [illegible] in l. nemo [illegible] n°. 62. ff. et leg. i. qui allegat [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] casu deberet dari licentiam legatario, ut propria auctoritate legatum capiat. ita Rip. in d. l. i. ff. quorum leg. n°. xi. In casu autem nostro non solum testator prohibuit eum [illegible] vel molestiam, sed [illegible] ipsis legatarijs praecipui [illegible] [illegible] iura [illegible], et [illegible] tribuit, quibus [illegible] [illegible] [illegible] testator [illegible]. Praeterea [illegible] rationem [illegible] legatarius et [illegible] [illegible] [illegible] [illegible] [illegible], non autem propria auctoritate capere, [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] falcidiam [illegible], [illegible] [illegible] alienum [illegible], sicuti est [illegible] [illegible] [illegible] [illegible] C. [illegible] [illegible] [illegible] [illegible] falcidia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Corn. cons. 37. n°. 20. in 3° vol. Rom. in d. auth. similiter. col. 3. [illegible] [illegible] multosque [illegible] [illegible] in [illegible] ff. et [illegible] [illegible] cum [illegible]. Quod in [illegible] verum est, ut etiam si ult.°

[illegible] in [illegible] nro [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] expresse [illegible] Calr. in cos. 149. nº. 7. [illegible] [illegible] [illegible]
[illegible] [illegible] 26. Faciat, nam [illegible] [illegible] legatorum datum ad [illegible]
[illegible] si [illegible] non restituatur [illegible] tex. in l. fi. § ex hoc edicto. ff. [illegible] [illegible]. Cum
[illegible] in casu nro [illegible] non [illegible] [illegible] [illegible] manu eius [illegible], ex quo falci-
[illegible] non [illegible] detrahere, sequitur non esse de manu eius [illegible], sed posse
[illegible] [illegible] [illegible] [illegible] [illegible] propria auctoritate [illegible]. Porro non [illegible]
[illegible] [illegible] alia ad [illegible], quae [illegible] [illegible]. [illegible] tex. [illegible] [illegible]. [illegible]
et in [illegible] [illegible] de manu [illegible] [illegible] legatum. [illegible] in disponendo [illegible]
[illegible] exeat [illegible] [illegible] [illegible] [illegible] libere [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aut [illegible]. [illegible] [illegible] nec [illegible] sibi [illegible] [illegible] [illegible]
[illegible] nulli [illegible] dare [illegible], iuxta dictum [illegible]. [illegible] in terminis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cum nullus est [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Rip. in d. l. i. nº. 18. [illegible] [illegible] qui tali casu affirmat legatarium
[illegible] auctoritate capere posse. [illegible] [illegible] in casu nro nullus [illegible] [illegible]
[illegible]. Nam si non [illegible] [illegible] esse [illegible] [illegible], et alios quibus [illegible]
[illegible] [illegible] nullus alius ex testamento [illegible]. [illegible] [illegible] [illegible] similiter
[illegible] [illegible] [illegible] [illegible] [illegible] 4º quia non [illegible] [illegible] esse [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] [illegible] [illegible]. [illegible]
[illegible] forma [illegible] [illegible] [illegible] sub. [illegible] [illegible] et [illegible] in,
[illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible], [illegible] alia [illegible], [illegible]
[illegible] [illegible] tradita sit servanda ad unguem, et [illegible] [illegible], [illegible] secundum
Bal. in l. [illegible]. col. 2. C. de excep. rei iudi. [illegible] cos. 531. cum sequen. et cons. [illegible]
[illegible] cos. 107. cum duobus sequen. in 2º col. et cos. 97. in 4º col. [illegible] cos. 24.
[illegible] vers. nec obstat, quod [illegible] [illegible] [illegible]. et [illegible] cos. 33. col. 2. in fi. [illegible] col.
[illegible] [illegible] [illegible] cos. 76. col. 2. in pº. vol. [illegible] [illegible] [illegible] non [illegible] ipso
[illegible] nec posse [illegible] [illegible] [illegible]. [illegible] dixit [illegible] cos. 42. nº. 26. in pº.
[illegible] [illegible] 132. nº. 12. [illegible] in 2º vol. et cos. 138. nº. 5. in 2º vol. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] forma [illegible] [illegible] [illegible] [illegible] forma [illegible]
[illegible] [illegible], secundum [illegible] in c. et [illegible]. ex. et [illegible] [illegible]
in c. cum adeo. col. 2. vers. [illegible] ex [illegible]. et [illegible] quod [illegible] [illegible] [illegible]
[illegible] si in minimo [illegible] vel omittat formam, actus non tenet. Secundum
[illegible] [illegible] in [illegible] de forma. col. 3. fol. 52. vers. 2º ampliatur. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] propria auctoritate capere sibi [illegible]
[illegible] [illegible] omnes [illegible] quod quando [illegible] datur executor [illegible]
[illegible] testator, [illegible] propria auctoritate legatum sibi factum capere. [illegible] Io. and. in [illegible]
[illegible] [illegible] [illegible] [illegible] aliqua. vers. sed pone. [illegible] in l. [illegible]
[illegible] [illegible] Bal. [illegible] Saly. et [illegible] in l. [illegible] [illegible] [illegible]. C. de [illegible]
[illegible] modo [illegible] Rip. in d. l. i. ff. [illegible] [illegible]. et in d. l. nemo [illegible]. Sed
in casu nro testator expresse disposuit quod [illegible] [illegible] [illegible] legatum
in usus et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

non ex manu heredis petere tenetur. Praeterea in ultimis non habitis cibus dilatione non adita hereditate tamen quis alia auctoritate caveri, et sic non ex manu heredis. probat hoc text. Rip. in d. l. i. n.º 17. At legatum aliud, acce [illegible] [illegible] [illegible] dilatione non [illegible] [illegible] [illegible] [illegible] nibus. ex [illegible] alimentorum succedit [illegible] [illegible] [illegible] cum [illegible] n.º 17. [illegible] [illegible] demonstra. unde cum alimenta dilationem non recipiant, sequitur et legatum [illegible] [illegible] alimentorum dilationem non [illegible] [illegible] [illegible] [illegible] auctoritatem [illegible] [illegible] ex manu heredis peracturo maxim [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ait maior [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] n.º 20. [illegible] 68. Tertium adducit communem doc. sententiam, quod legata pia etiam non adita [illegible] [illegible] [illegible] [illegible] in cons. 220. [illegible] [illegible] in 2º [illegible] [illegible] in l. [illegible] C. de [illegible] [illegible] [illegible] [illegible] in l. cum [illegible] C. de fidei[com]. n.º 39. Rip. in d. l. [illegible] ff. de leg. i. [illegible] in l. si nemo. ff. de [illegible] [illegible]. And. Barb. in rub. de [illegible] col. 58. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cons. 34. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] cons. 37. in [illegible] [illegible] [illegible] n.º 17 [illegible] [illegible] 140. n.º 5. in 3º vol. et cons. 306. n.º 8. in 3º vol. ac alij multi, qui hanc communem [illegible] [illegible]. Sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] heredis non aditae quinimo nec adita [illegible] [illegible] [illegible] [illegible]. ergo non in manu eius [illegible] nec in manu alterius [illegible] [illegible] [illegible] [illegible] [illegible] manu [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Roma. in [illegible] n.º 5. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in casu nro [illegible] [illegible] [illegible] [illegible] [illegible] ergo sequitur non adita hereditate posse [illegible] [illegible] et sic non ex manu heredis. Quinimo dixit Castr. in cons. [illegible] 34. [illegible] [illegible] [illegible] [illegible] hereditate [illegible] [illegible] [illegible] auctoritate caveat legatum, non [illegible] cadit in iure suo. [illegible] [illegible] magis [illegible] quis in [illegible] [illegible] [illegible] non [illegible] [illegible] [illegible] [illegible] [illegible] et text. [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hereditas, cum non debet servire de [illegible] [illegible] aliquid [illegible] [illegible] [illegible] [illegible] et sic ultra [illegible] ff. [illegible] [illegible] [illegible] et hoc per tex. in l. si quando. ff. de leg. i. c. si [illegible] de privil. in 6º Bal. [illegible] in l. ij. ff. de usucapio. [illegible] [illegible] [illegible] col. [illegible] ff. de verb. oblig. Respondeo multifariam: p.º quod [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] ut hoc casu, in [illegible] si non admittat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] esse [illegible] nec [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible] [illegible] et [illegible] successione ab intestato ad eum spectare, nec tamen servavit formam

... distributionis. 2° distributio [illegible] in legatis ad [illegible], sicut in his, ut in [illegible]
[illegible] 3° sententia [illegible] interpretatur, et [illegible] ius commune. l. [illegible]
[illegible] l. sed si lex [illegible] [illegible] et ut minus [illegible]
[illegible] [illegible] l. ius singulare [illegible]
[illegible] distributionis [illegible] qualitas, ut de manu [illegible] intelligatur
[illegible] ordinarie [illegible] in hoc casu [illegible]
[illegible] perdit nisi [illegible]
[illegible] auctoritate [illegible]
[illegible] facit [illegible] [illegible]
[illegible] 3° [illegible] ut occupans propria auctoritate [illegible]
[illegible] 2° [illegible] legatum [illegible]
[illegible] manu [illegible] iudicis [illegible] 3° [illegible]
[illegible] in [illegible]
[illegible] ius novamque formam introducit. [illegible] dubium 2m
[illegible] resolvitur in [illegible] quod [illegible]
non esse [illegible] propria auctoritate [illegible]
[illegible] manu [illegible] iudicis a quo [illegible]
[illegible] modeste.

Succedit 3m dubium, [illegible] quod Castrum Cassani relictum Sacro monti pie-
tatis [illegible] feudale et quod ad Excell. D. Hier.m iure successorio spectare [illegible]
proximiori [illegible] alienatio [illegible]
[illegible] ~~[illegible]~~
~~[illegible]~~ [illegible]
[illegible] l. cum patronus [illegible]
[illegible] l. si [illegible]
[illegible] maxime [illegible]
[illegible] loco legatur, quia [illegible] universale legatum [illegible]
[illegible] l. [illegible] Rom. in
[illegible] ~~[illegible]~~ [illegible]
[illegible] testamenti, aut [illegible] in [illegible] testamenti [illegible]
quod Excell. D. Hier. [illegible] mons [illegible]
[illegible]
[illegible] successione [illegible]
[illegible] proximiorem sequitur quod [illegible] possessionem [illegible]
[illegible]
[illegible] mons [illegible] minus [illegible] D. Hier. [illegible]
[illegible], si Mons [illegible] firmatum fuit
[illegible] in possessione [illegible]
[illegible] in possessionem bonorum et feudalium [illegible]
[illegible] et iure alterius [illegible] coniunct [illegible]

[illegible] colura [illegible] [illegible] cds. 75. in 1°. [illegible]
[illegible] et [illegible] n°. 20.27.28.29.[illegible].30. [illegible] qui
[illegible] habere prius articuli an hic feudum in possessionem [illegible] feudali
mittendus sit. [illegible] [illegible] non misisto, in terminis [illegible] [illegible]
[illegible] ¶ An autem missio facta [illegible] in possessionem [illegible] si [illegible]
a [illegible] feudali, [illegible] [illegible] bona [illegible]
[illegible] maius dubium esse uideretur. Sed tamen debere [illegible].
[illegible] [illegible] [illegible] quia aliquando [illegible] si [illegible] sit
datum l. [illegible] cod. in no. C. de [illegible] [illegible] et [illegible] sic
[illegible] excernitur. [illegible] casu [illegible]
[illegible] [illegible] fiat [illegible] [illegible] ne [illegible] [illegible],
[illegible] alio casu si [illegible] sit [illegible] [illegible] si [illegible] sci. [illegible]
[illegible] distinctio ex l. [illegible] C. de [illegible] [illegible] cod. [illegible] C. de [illegible].
[illegible] Rom. cds. 35. n°. 5. [illegible] cds. iij. n°. 4. [illegible] in [illegible] succ.
[illegible] lib. 3. §. 27. n°. 30. [illegible] cds. 52. n°. 1. in 1°. uol. et cons. 32.
n°. ii. co. uol. p°. ¶ Sed dubium [illegible] tex. in c. 1. de success. [illegible]
ubi dicitur [illegible] dispositionum [illegible] in feudalibus, et tex. in c. 1. §.
donare. [illegible] [illegible] aliter [illegible] feudum [illegible] femina [illegible] non [illegible].
Sed multo magis augetur dubium [illegible] [illegible] [illegible] [illegible]
[illegible] feudo, nec [illegible] nec [illegible] [illegible]. [illegible] in c. §. donare.
Soci. iunior in cds. 22. n°. 6. et cds. 74. n°. 20. [illegible] in [illegible] uol. [illegible]
communem [illegible]. [illegible] [illegible] lib. 4. §. [illegible] n. 40. [illegible]
ex hac conclusione, ubi [illegible] communem [illegible] [illegible]
femina [illegible] [illegible]

[illegible] ... [illegible] feudi [illegible] ...

[illegible] et simpliciter, tamen sequitur magis communis opinio, quod cuilibet [illegible] [illegible] tali feudo [illegible] non habeat propriam naturam feudi. tamen et [illegible] [illegible] [illegible] [illegible], [illegible] extraneus [illegible] [illegible] [illegible] [illegible] sicuti tenuere pro veritatis Alex. in cons. 195. col. 3. in 6° vol. Dec. in cons. 78 [illegible] cons. 185. col. 2. [illegible] 205. col. 1. et multa [illegible] [illegible] [illegible] in cons. 72. n°. 22. et. 23. ubi dicit [illegible] esse magis communem opinionem [illegible] [illegible] [illegible] [illegible] in feudis habentibus [illegible] naturam feudi [illegible] [illegible] [illegible] [illegible] [illegible] saltem [illegible] [illegible], quia ex verbis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] n°. 8. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] succes. [illegible] [illegible] addit [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] in cons. 72. n°. 60. [illegible] [illegible] [illegible] feudo [illegible] [illegible] in hoc casu [illegible] nam subiicit dicens [illegible] feudo [illegible] [illegible] [illegible] [illegible] feudo [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] ergo nullo [illegible] successione [illegible] [illegible] in [illegible] casu [illegible] [illegible] [illegible] [illegible] familia, et collateralibus [illegible], nisi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] col. 1. [illegible] [illegible] [illegible] [illegible] in cons. 93. in [illegible], [illegible] col. fi. in. 2° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] feud. cap. 8. col. 2. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in verbis [illegible], in [illegible] dicit [illegible] [illegible] [illegible] [illegible] [illegible] an feudum sit [illegible], [illegible] [illegible] [illegible] qualibet [illegible] esse feudi [illegible] [illegible] [illegible], et sic [illegible] tali collatione [illegible], tamen [illegible] dubium [illegible] et [illegible] est [illegible] [illegible] [illegible] lib. 1. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ignorans. [illegible] dona. l. 3. C. ad. l. corn. de [illegible] [illegible] l. maior [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible] dubitans, et ignorans [illegible] dicit habere nec [illegible] nec velle [illegible] [illegible] [illegible] [illegible] n°. 22. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] col. 2° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] ignorantia [illegible] causa est [illegible] in [illegible] [illegible], [illegible] dixit [illegible] [illegible] ~~[illegible]~~ cons. 130. n°. 4. [illegible] in casu [illegible] [illegible] nullo modo [illegible]

[illegible] dicta [illegible] [illegible] castri [illegible] [illegible]
dicta [illegible] [illegible] in [illegible] clarissimi collegij mei. quod
[illegible] feudi [illegible] [illegible] cum non appareat [illegible] fuisse
[illegible] [illegible] [illegible] anno [illegible]
[illegible] cum [illegible] in cons. 120. [illegible]
[illegible] in cons. [illegible] [illegible] [illegible] vol.
[illegible] 10. n°. 2. in p°. vol. [illegible] alij [illegible]
locis. Et [illegible] [illegible] non [illegible] [illegible] [illegible] ipsorum. [illegible]
[illegible] ex dicta [illegible] [illegible] [illegible] [illegible]
[illegible] Et dubium [illegible] [illegible] [illegible] [illegible]
feudi, Et non fuisse [illegible] [illegible] [illegible] fuisse domino,
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] feudi, [illegible] [illegible] feudi [illegible]
[illegible] custodiendi feudi, [illegible] [illegible] feudi [illegible] [illegible]
[illegible] loco ubi nunc est castrum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Nam ex lectura [illegible] [illegible] quod ubi nunc est castrum [illegible]
[illegible] [illegible] [illegible] castrum [illegible] dat intelligi [illegible] [illegible]
[illegible] Et hic meliorandum fuisse ipsius [illegible] [illegible] illi [illegible]
[illegible] [illegible] [illegible] feudi [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] feudi [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] castrum [illegible] [illegible] [illegible]
alienatio feudi [illegible] [illegible] [illegible] alienari [illegible] materia
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in cons. 76. n°. 75. in 1°. vol. [illegible] [illegible] [illegible]
[illegible] [illegible] alienatio [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] feudi fuisset [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] 06. [illegible] [illegible] [illegible] [illegible]
maxime [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] feudi, [illegible] quod [illegible] esse dubium, Et [illegible] alienatio
[illegible] meliorandum [illegible] [illegible] [illegible] casu [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
in cons. 1. n°. 19. in 2°. vol. Et [illegible] in cons. 84. n°. 1. in 1. vol. [illegible]
[illegible] 74. n°. 15. in 1°. vol. Et quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 104. ubi dicit [illegible] [illegible]
[illegible] Roma [illegible] [illegible] [illegible] [illegible]
in [illegible] [illegible] 529. [illegible] dicit [illegible] maxime [illegible]

[illegible] [illegible] [illegible] [illegible] quod vel [illegible] [illegible] [illegible]
[illegible]. [illegible] [illegible] [illegible] clare [illegible] dicit. [illegible] facio [illegible]
bona [illegible] [illegible] [illegible] uno verbo dico quod quatenus [illegible]
[illegible] [illegible] [illegible] [illegible] esse [illegible] et trebellianica [illegible] [illegible]
[illegible] [illegible] [illegible] et quo [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] lex [illegible] [illegible] ff. [illegible] ad trebel. et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]

[illegible] [illegible] [illegible] [illegible]

[illegible]

icare bicolo

ac. xii.

maliffico

[illegible]

... ipsius ... affirmat ... fuisse, in quo ... issimus ... clonius ... ex ... ad modo ... superiorius ... conseque ... issimum ... guardiq; a. dace ... tunc ... : in ideo. n. tam ...

[illegible]

... ex ... Educator ...

... ex ... positionibus ...

[illegible]

[illegible] loca. [illegible] cum tex. in l. [illegible]
Nec obstat quod dare uaccas in socida [illegible] commodum [illegible]

[illegible] ex [illegible] Cabusij [illegible]
quod autem [illegible] Cabusius non [illegible]
[illegible] habere [illegible] dimissa [illegible]
[illegible] copia [illegible] culpa [illegible]

[illegible] adiuuare [illegible]

[illegible] fol. 40. Quod [illegible] locationis [illegible]
[illegible] in casu [illegible]
[illegible] plus fuerit [illegible] ego credo, ut Cabusius nunc soluat illud plus quod [illegible] fuit, & dimissum [illegible] terris, & Curti [illegible]
[illegible] fol. 60. [illegible] in [illegible] sit [illegible]
malefactum in [illegible] simpliciter. Et sic ex [illegible] & [illegible] cum dolo, & fraude Cabusij qui [illegible] in [illegible] nullo [illegible] Malefacti [illegible]

quia [illegible] eius quod [illegible]
[illegible] nihil obstat [illegible]
et in c. in [illegible] l. falsa. ff. co. [illegible] licet [illegible]
[illegible] ubi bona glo. [illegible]

Testi inimico nõ creditur.

... de teste ... obiectum ... mod. m. l. qui testamento. §. ... et ... ff. de testib. Accedat, quod iste inimicus malefacti, ut ex ... ... exquisita ... in ... ideo ... nõ ...

c. quotiens ... de test. ... ff. ... auct. si dicat. ... ... in ...

... non sola ...

... com. l. ... col. 10. l. si ...

... in ... de ... eius ... ad ... dominum, Scimus ... illud quod ... in nulla ...

... huius iudicij veritatem, quae ... nullo ...

Debet inesse in testibus fides.

... in voluntate testium collocari summam, quae facillime ... nullo negotio ... ac ... quod ... ... pag. 200. ... in ... com. eodem loco ... ait. ... qui iudicijs nõ credere cupidis ... iratis nõ solum ... ... in test. ... Malefacti nihilominus approbatio posset ... nõ ... ad dictum quod ...

[illegible] Nulli quoque dubium, quod dolose [illegible]

[illegible] ad contrahendum [illegible] supra [illegible] comparata, [illegible]

[illegible] quod [illegible]

[illegible] nisi [illegible] iuxta [illegible]

[illegible] ex quo dolo [illegible] commoda [illegible]

[illegible] edicto, in prin. [illegible] si omnes [illegible]

[illegible]

si non dixe [illegible]

[illegible]

[illegible] non subuenit [illegible] dolo [illegible]

[illegible] sui alioqui in ex [illegible] sine dolo, cum dolo [illegible]

[illegible] et quod dolo [illegible]

[illegible] Bar. [illegible] quem alii secuti [illegible]

[illegible]

dicebi omnia [illegible]

[illegible] vana, falsa, [illegible]

[illegible]

[illegible] Praeterea [illegible]

[illegible]

ultro citroq obligatorij. l. labeo. la. ij. ff. de [illegible] ex

contractibus licitum accipitur. l. i. §. si cum uenerit. [illegible]

conductio, uoluntas, et conditio contrahentium seruanda est [illegible]

C. de [illegible] quoniam licet contractus ab initio sint [illegible]

ex post facto sunt necessarij. l. sicut. C. de actio. [illegible]

[illegible] dno. l. de contractu. C. de

[illegible] circa in fi. C. de [illegible]

[illegible] l. cuius bonis in [illegible]

si quis. §. fi. C. de dona. c. [illegible] in fi. de [illegible]

[illegible]

alium solutum esse [illegible] conuenit nec acceptat

[illegible] consensu contractus [illegible]

[illegible] C. de pac. conuen. [illegible] C. de [illegible]

[illegible] locationis [illegible]

[illegible]

indicat. Et posset forcassis insisti, quod in locatio [illegible]

[illegible] l. sicut [illegible] C. loca. in [illegible]

casu locatio dicatur sub conditione contracta [illegible]

[illegible]

[illegible]

cationis [illegible]

doli actio [illegible] nullo modo [illegible], [illegible]

actio datur ad [illegible] l. [illegible]

[illegible] l. [illegible]

[illegible] extra locum [illegible]

pensionis, quod si [illegible] tunc [illegible]

[illegible] l. si [illegible] ff. [illegible] quod [illegible]

[illegible]

[illegible]

[illegible] est, [illegible] si non [illegible]

[illegible] l. si [illegible]

[illegible] si [illegible]

[illegible]

§. colonus si [illegible] ff. [illegible]

[illegible]

[illegible]

28.

[illegible] necessarii [illegible] rescinditur. l. si [illegible]

[illegible]

[illegible]

offi[illegible] n. l. [illegible]

[illegible]

ex. quod auimur vocatione [illegible]

[illegible], sic e contra dicendum est, quod [illegible] dantur [illegible]

[illegible] iussit [illegible] necessaria caus

[illegible] casu [illegible] [illegible]

[illegible] dolus, [illegible] fraus, [illegible] culpa, [illegible]

[illegible] non intervenissent, adduc [illegible] immodicam

[illegible] sabis

[illegible] ex suo [illegible]

[illegible] religua [illegible]

[illegible] solutio, [illegible]

[illegible] enormi

sed [illegible] enormissima [illegible] hac [illegible] casu [illegible] [illegible]

[illegible] [illegible]

Venetorum laudes. [illegible] Maximi [illegible] sub [illegible] Veneto, [illegible]

[illegible] dixit [illegible]

[illegible] in cos. 140. [illegible]

[illegible] nec rigor iuris attenditur

[illegible] quod licet contrahentibus se invicem [illegible] ad

[illegible] equitas [illegible] sed [illegible]

[illegible]

[illegible]

[illegible] in [illegible] 6. [illegible] ad quod

[illegible] Vendemmia [illegible]

[illegible]

[illegible] eius ad una [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] Escorial [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] hec Domini Toletan[illegible] [illegible]
[illegible] [illegible] filius [illegible]
[illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] sicut [illegible] dixit [illegible] trix. in l. [illegible]
ff. sol. ma. [illegible] omnis [illegible] percipiuntur [illegible]
[illegible] impensis. l. fructus. ff. sol. ma. [illegible] in c. [illegible] in eius. [illegible]
[illegible] spolia. l. i. C. [illegible] ex [illegible] quidd[illegible]
[illegible] fundi trebatiani. [illegible] ff. [illegible] usufruc. [illegible]
[illegible] in c. [illegible] in [illegible] in c. [illegible]

[illegible]

[illegible] solutionis [illegible]
[illegible] alias [illegible] quod
[illegible] fructuario quod satis absurda videntur
[illegible] ad materiam [illegible]
[illegible] aliquis [illegible] in separatione [illegible]
[illegible] ad [illegible] dispositionem, sicuti [illegible] in c. [illegible] causa. [illegible]
[illegible]
[illegible] et aliunde quaestio
[illegible] in [illegible] 12 [illegible]

[illegible]

[illegible] in dictis [illegible] An. [illegible] successionem [illegible] [illegible] causa Simonis [illegible] [illegible] soluto [illegible] [illegible] Pompilio & Silvestro [illegible] [illegible] tantum [illegible] admittendi. [illegible] [illegible] Pro [illegible] ex [illegible] successio [illegible] [illegible] sicut [illegible] filijs [illegible] [illegible] [illegible] respondetur [illegible] Roma. cons. 296. in fi. cum alijs [illegible] plurimis [illegible] [illegible] alba [illegible] parte [illegible] ideo [illegible] [illegible] vincula magis [illegible] [illegible] [illegible] [illegible] Tertia [illegible] [illegible] Nam [illegible] [illegible] disiunctiue [illegible] [illegible] disiungat [illegible] alterum tamen includat [illegible] [illegible] sic in proposito [illegible] Confirmatur hoc ex eo quod dixit Io. an. in addi. ad [illegible] magna, quae incipit [illegible] dixit [illegible] sine filijs, vel nepotibus, vel vlterioribus [illegible] substitutio [illegible] si mortuus sit [illegible] ex dictis [illegible] expirat substitutio [illegible] illa disiunctiua vel [illegible] [illegible] sic hoc casu illa [illegible] vel ex [illegible] [illegible] quia statuta recipiunt interpretationem passiuam [illegible] maxime [illegible] [illegible] ut dixit Alex. [illegible] n. 7. [illegible] 201. n. 7. [illegible] 7. vol [illegible] cons. 3. n. 3. [illegible] n. 2. cons. 197. n. 8.

[illegible] Bar. [illegible] in [illegible] si quis [illegible] C. [illegible]
[illegible] ius commune [illegible] quod statutum exprimit,
[illegible] l. si [illegible] ff. sol. ma. et communiter alle-
gat tex. in l. ij. C. de noxa. actio. quod statutum [illegible] suff. [illegible] quod [illegible]
[illegible] ius commune [illegible] ius commune [illegible]
[illegible] allegatur [illegible] tex. in l. si [illegible]
in disputatione [illegible]
[illegible] c. i. de gradi. c. i. de [illegible] cogni. l. [illegible]
[illegible] obliga. [illegible] Pau. Cas. [illegible] in l. fi. [illegible] C. de [illegible]
signi. ubi dixit quod [illegible]
[illegible]
[illegible] sublicendum [illegible] communi [illegible]
[illegible] in successione [illegible]
[illegible] ut supra [illegible] quae [illegible] ut subj-
ugatos ad successionem [illegible] eos vocare ordine successivo [illegible] grad
[illegible] dixit Bal. in d. l. fi. C. de [illegible]
[illegible]
[illegible]
[illegible] ascendentibus et descendentibus gradibus [illegible] Bal. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Bar. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] masculos [illegible]
[illegible] testator [illegible]
[illegible] formam, et [illegible] aliud quod [illegible]
[illegible]
[illegible] subsequenti. et Bar. in l. [illegible]
iurandi. §. si liberi. ff. de [illegible] liberi [illegible]

& feminis
[illegible] masculis, [illegible] in [illegible] [illegible] [illegible] ad [illegible]
[illegible] femina [illegible] in masculis [illegible] masculorum [illegible]
[illegible] femina masculis exclusis excludantur [illegible] maior [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] uxorem [illegible] [illegible] ff. [illegible] [illegible]
[illegible] [illegible] [illegible] sibi vel filie reddi [illegible]
[illegible] iuris ordine [illegible] prius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] postea
filia post mortem [illegible] quod si in [illegible] [illegible] quod si [illegible]
[illegible] [illegible] [illegible] [illegible] sibi reddi vel illi [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] si prius nominauerit ~~[illegible]~~
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] maxime quia [illegible] constitutio [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible]
singuli [illegible] [illegible] equalem [illegible] portionem [illegible] [illegible] [illegible]
maior [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] maior [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] fundamento [illegible] [illegible] [illegible] [illegible] constitutionis [illegible] [illegible]
[illegible] in masculis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] ad excludendas feminas [illegible]
[illegible]: quod si ad hunc [illegible] finem emanauit [illegible] constitutio, [illegible]
possumus dicere, quod voluerit disponere quod fratres consanguinei admittantur
simul cum [illegible] utrinque coniunctis [illegible] iuris communis dispositione.
Nam illa ratio [illegible] [illegible] [illegible] [illegible] [illegible] necessaria in [illegible] [illegible] [illegible].
quoniam [illegible] si utrinque coniunctus [illegible] [illegible] iuxta iuris communis
terminos [illegible] [illegible] [illegible] constitutionis [illegible] [illegible] [illegible]
[illegible] constitutio [illegible] [illegible] ad [illegible] [illegible] [illegible] voluerit derogare [illegible] [illegible]
cum [illegible] [illegible] quod voluerit [illegible] iuri communi derogare in [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] excludendo feminas [illegible] facit [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] ad hoc communiter solet [illegible]
quod [illegible] [illegible] [illegible] [illegible] consideratione. Sed constitutio [illegible] [illegible]
[illegible] [illegible] in casibus [illegible] [illegible] [illegible] dispositioni iuris communis, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad eius [illegible]
[illegible] [illegible], [illegible] ad eius antiquum [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] constitutioni [illegible]

pri. quod sed in casibus omissis serv. dispositioni iuris communis: quod ... ut alibi in locis dixeri, alii ... nd ... dicta clausula ... Item ... iure est quod in casibus a statuto omissis serv. dispositio iuris communis. cum statuta sint stricti iuris ... ut latius dixi in 3° fundamento ... l. commissarii ... si ... b ... si cum doct. in ... sol. ... generaliter ... Andr. in ... c. canonum statuta ... quod ... extat persona aliena a statuto nd exclusa, ut ... persona exclusa, ... in casu ... in quo ... dicitur a statuto ... remanere in dispositione iuris ... dicit Angelus ... in ea parte qua loquitur de ... excluduntur in casu quo ... defuncti filii, vel ... ut ... in linea ... ... defuncto ... sunt ... ex ... succedere ... quod si cum dictis ascendentibus ... primus ... dictis ascendentibus ... ad successionem ... in quo ... exclusa ... admittit ... ascendentes ... in eo casu ... ascendentium ... omissum ... remanere in dispositione iuris communis ... finalia ... ff. ... si ... quod ... et ... excl. ... extantibus ... sorore ... mentio ... facta in statuto, quod ... excluderet a ... admittuntur ... dispositione ... defuncto ... casus ille erat omissus a statuto ... in eo ... dicit ... idem ... statutum quod ... succederet ... agnati ... iure ... quibus mentio in statuto nd est facta, iste casus dicitur omissus a statuto et remanet in dispositione iuris communis ... liberis ... ... minus, ... extant ... minimum, ... mentio nd est facta in statuto ... exclusa, ... l. ... C. de legit. hered. ... excludens amita, nd excludat materteram. Hinc ...

[illegible] affirmauit in l. si qua. C. ad tertium. secundo si ex forma le-
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] principaliter [illegible] omittam locum [illegible]
[illegible] omissis. Sic ex his omnibus uidere [illegible] fundari [illegible]
[illegible] diuersa [illegible] [illegible] [illegible] [illegible]
[illegible] utrinque coniunctum [illegible] mediis [illegible] [illegible]
[illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible]
[illegible] ff. de legatis [illegible] Bar. [illegible] [illegible]
in l. [illegible] stipulatus. col. 5. ff. de uerb. oblig. [illegible] cons. 98. nu. 17. uid. Ant-
[illegible] in sing. in uerbo [illegible] col. 2. n°. 2. dixi secundo si [illegible]
[illegible] iure [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] cons. 85. n°. 12. [illegible] cons. 73. n°. 2. [illegible] in loco ubi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in 6°. Si [illegible]
[illegible] [illegible] ad terminos iuris [illegible] [illegible] [illegible] [illegible]
[illegible] nihil [illegible] in [illegible] casu, quod [illegible] est [illegible], credendum, nec
admittendum [illegible] nullum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Et eo maxime [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] successione, [illegible] fit ut aliter [illegible] [illegible] [illegible]
[illegible] ius [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] utrinque coniunctum admittar [illegible] [illegible]
[illegible] admittendo [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] duobus [illegible] [illegible] [illegible] utrinque coniuncti, uel ex [illegible]
[illegible] Nam licet dictio uel [illegible] [illegible] [illegible] [illegible]
[illegible] supra [illegible] fuit in argumento. 2°. [illegible] utrinque coniuncto [illegible]
[illegible] dictio uel [illegible] [illegible] [illegible] [illegible]
[illegible] tamen [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ut [illegible] [illegible] in l. [illegible] [illegible] lex. in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] Alex. ab Alex. uir summi ingenii, et [illegible] [illegible]
[illegible] diligentissimus [illegible] [illegible] genial. lib. 2. cap. 7. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] disiunctiuam, sed coniuncti-
[illegible] esse, ait, illamque potius copulare quam disiungere [illegible] motus
[illegible] immediatim uerbis in lib. 7. iuris ciuilis [illegible] ut ipse citat,
[illegible] [illegible] sunt in l. si [illegible] ita. ff. de [illegible] [illegible]

[illegible] multi ornamenta [illegible]
[illegible] omnia [illegible] curbus [illegible]
[illegible]
[illegible] quid si [illegible]
[illegible] si [illegible]
[illegible]
[illegible]
[illegible] aliogui no [illegible] quod dicit [illegible]
[illegible] et sic sequitur quod [illegible]
[illegible] melior [illegible]
[illegible] quod est [illegible] si [illegible] x [illegible] aut xx [illegible]
[illegible] iste est casus [illegible]
[illegible]
[illegible] quibus [illegible]
[illegible]
[illegible] pars eius maxime ex utroque [illegible]
[illegible] unico [illegible]
[illegible]
[illegible] vinculum ut ex verbis ipsius [illegible] colligitur [illegible]

ad id quod [illegible] in [illegible] [illegible] [illegible]

[illegible] est [illegible] si [illegible] [illegible] ff. de [illegible] [illegible] si non

[illegible] [illegible] vel [illegible] [illegible] [illegible]

[illegible] in notissimis [illegible]

[illegible] [illegible] dicta [illegible] est [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] dicere [illegible] dictis [illegible]

scripsero [illegible] non est [illegible] [illegible]

[illegible] [illegible] ff. de [illegible]

[illegible] c. [illegible] gl. [illegible] 20 q. [illegible] [illegible]

[illegible] in glo. [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] occasionum. [illegible] in frag. [illegible]

[illegible] saltem ut [illegible] multum ff. [illegible] [illegible] ff. de [illegible]

[illegible] dicta dictio est disiunctiva, id est esset, ut [illegible]

est [illegible] [illegible] conditionalis [illegible] [illegible]

[illegible] [illegible] [illegible]

[illegible] dicta [illegible] est [illegible] ergo in constitutione [illegible]

[illegible] [illegible] [illegible] [illegible]

si [illegible] masculi ex linea masculina [illegible] [illegible], ex utroque

parte vel ex [illegible] vel [illegible] [illegible] admitti [illegible]

[illegible] constitutionis [illegible]

[illegible] [illegible] dicens [illegible] [illegible]

[illegible] quia quando alternativa [illegible] est alternativa

[illegible] copula [illegible] est [illegible] in [illegible] ff. de [illegible]

[illegible] [illegible] [illegible]

[illegible] glo. [illegible] [illegible] [illegible]

[illegible] [illegible] ff. [illegible]

[illegible] dicta alternativa est [illegible] constitutione [illegible]

legis, ergo copulativa [illegible] est [illegible]

[illegible] indistincte [illegible] ad [illegible] [illegible] ex [illegible]

[illegible] ex [illegible]

[illegible] ff. de [illegible] obliga. [illegible]

[illegible] quia ff. [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] Bart. in l. 1 ff. ad [illegible] [illegible] dici [illegible]

est finalis ut dixit ang. cons. 66 col. 6 [illegible] legem [illegible]

[illegible] [illegible] [illegible] ex [illegible] collecta est, ut [illegible] in [illegible]

[illegible] [illegible] nominis et [illegible] [illegible]

[illegible] communis autem opinio [illegible] extendit Cy. in l. i. C. de edil. [illegible]
in [illegible] 28. [illegible] masculis ne [illegible] et familia nomen [illegible]
[illegible] ut [illegible] ro. in l. i. § [illegible] ubi [illegible] Bal. in l. fi. C. de [illegible] hoc voluit, dicens [illegible]
statutum excludens feminas [illegible] masculos est favorabile. [illegible]
ut [illegible] communem dixit tex. in l. [illegible] ante [illegible] post [illegible]
in § quidam [illegible] [illegible] Bar. in l. ij. § [illegible]
Bal. in l. [illegible] [illegible] [illegible] ad fi. [illegible] maximum [illegible]
[illegible] in adde. ad [illegible] in rub. de success. ab intes. [illegible]
[illegible] et [illegible] alij consanguinei [illegible] masculi et [illegible]
[illegible] § [illegible] agna. succ.
[illegible] sequitur quod agnatus [illegible] succedens
[illegible] ex [illegible] l. militis
[illegible] l. filium [illegible]
[illegible] Bal. in [illegible] actiones. [illegible] sacros. eccle. [illegible]
[illegible] l. ij. § [illegible] quod [illegible]
[illegible] in [illegible] eandem in-
[illegible]. Generaliter [illegible] ex [illegible] expediens
ubi [illegible] l. illud. ff. ad leg. aquil. l. de
[illegible] ff. de publicia. glo. in c. iiij. [illegible] quod [illegible] et [illegible] Bal. in l. fi.
[illegible] quod sicut [illegible] admitti-
tur in publico [illegible], ita nec in publiciana, ubi ex [illegible] eadem est
ratio [illegible] intentata. Similiter in causa successionis ex
[illegible] in uno die [illegible]
et in alio die [illegible] [illegible] immediate dona-
[illegible] filius [illegible] donation-
[illegible] l. i. [illegible] ex [illegible]
[illegible] immediatas [illegible] intentatus [illegible]
[illegible] filius [illegible] querela donationis inofficiosae
l. iij. C. eo. tit. [Ratio [illegible] legis [illegible]
[illegible] sicut [illegible] anima [illegible]
corpus [illegible] Bal. [illegible] ~~[illegible]~~
[illegible] l. [illegible] col. [illegible]
[illegible] col. [illegible] col. 3. in [illegible]
[illegible] cessante, cessare [illegible] ~~[illegible]~~
[illegible] [illegible] coniunctio [illegible]
est bona consultatio [illegible] ~~[illegible]~~ ratio est, qua [illegible]

[illegible] orn. lib. 3. cap. 13.

[illegible] si stricte [illegible] ni mirū

si à voce [illegible] distributio in verb. actione recipiat. cum

maxime [illegible] ubi [illegible] sane

[illegible] ex [illegible]

[illegible] sit [illegible] ex [illegible]

tione [illegible] ex [illegible] licet verba [illegible] conformant.

l. i. C. de [illegible] quinimo tex. in l. fi. C. de posslim. [illegible] tex. in

quod [illegible] ratio [illegible]

[illegible] et quo [illegible]

[illegible] in terminis iuris, quod ratio [illegible]

[illegible] Bar. in [illegible]

legi. [illegible] in § [illegible] ex aliena [illegible] in fi. [illegible] C. de [illegible] col.

i. [illegible] Nro 7. quo loco ait in [illegible]

[illegible] ratio [illegible]

[illegible] est attendenda. Quanto [illegible] in [illegible]

[illegible] ratio [illegible]

sicut [illegible]

sententia [illegible] casu [illegible] ut clarius

id explicavit. [illegible] clarius explicavit, ex verisimili [illegible] ex [illegible]

[illegible]

[illegible]

[illegible] § fi. ff. de pac. [illegible] facit tex. in [illegible]

[illegible] Bar. [illegible] [illegible] quibus [illegible]

tex. in l. [illegible] ff. de offi. [illegible]

[illegible] in [illegible] col. 4o. facit [illegible] partes [illegible]

[illegible] [illegible] in [illegible]

[illegible] l. [illegible] § cogna. [illegible]

[illegible] § i. [illegible] legi. [illegible]

[illegible] et [illegible] ex [illegible]

[illegible] dicit [illegible]

[illegible] l. i. § [illegible] ff. de [illegible]

[illegible]

[illegible]

[illegible] in statutis [illegible] est [illegible] § [illegible]

[illegible]

[illegible] tertio genere [illegible]

[illegible] in alia col. tex. in l. i. § siquis [illegible] ff.

[illegible] ex causa [illegible] ex contrario [illegible]
rex [illegible] [illegible]
[illegible] similiter [illegible] sic. Naturaliter [illegible] accidit
[illegible] in utroque coniunctus [illegible] consanguineus [illegible]
[illegible] approximi[illegible] constitutionis,
[illegible] usum loquendi [illegible] ff. de [illegible]
[illegible] quod tamen [illegible]
[illegible] De ratione [illegible]
[illegible] nomen familie [illegible] militar[illegible]
[illegible] in utroque coniuncto. Et de communi usu loquendi nullum
[illegible] quod ita est, [illegible] appellatur [illegible] consanguineus
[illegible] qui utrinque coniunctus [illegible]
Quo circa, cum [illegible] verba, [illegible] mens [illegible] usus loquendi [illegible]
[illegible] dispositio [illegible] ut utrique [illegible]
[illegible] operatur. ut tradit [illegible]
[illegible] si quando [illegible]
[illegible] si quid dubii [illegible] partem esse meliorem [illegible]
[illegible]
[illegible] maximum [illegible] quod constitutio [illegible]
modo loquitur [illegible] verbum [illegible] quod verbum [illegible]
[illegible] quod [illegible] masculis [illegible]
[illegible] adiecit ibi extantibus masculis [illegible]
[illegible] ibi [illegible]
[illegible] ibi ubi unus [illegible] extant masculi [illegible] ex [illegible] sub
linea masculina. Et in [illegible] quod in [illegible] casibus. [illegible]
masculos connumeratos [illegible] masculos [illegible]
masculinam [illegible]. Connumeratio [illegible]
[illegible]
[illegible] ubi Iohannes [illegible] quoque [illegible]
[illegible] constitutionis [illegible]
[illegible] excludunt feminas. [illegible] collateralium, [illegible]
utrinque coniuncti, [illegible] consanguinei [illegible]
[illegible] sub illis verbis masculorum comprehendit. [illegible]
magis communis [illegible] verbum frater [illegible]
[illegible]
[illegible] verbum masculus [illegible]
[illegible]
[illegible] in utroque coniuncto [illegible]
[illegible]
[illegible]

[illegible] ex aequati ad succedendum minorem, cum [illegible]

[illegible]

[illegible] admittitur [illegible] consanguineus [illegible]

[illegible] coniuncta [illegible]

[illegible]

et tamen fratrem consanguineum ad [illegible]

[illegible] circut et [illegible] consanguineus, nec [illegible]

gis est frater qui sit ultra consanguineus [illegible]

[illegible] constitutione in uno [illegible] quod [illegible] nova [illegible]

[illegible] gradu proximor et [illegible] utrinque coniunctus [illegible]

[illegible]

consanguineus succedat [illegible] cum [illegible]

[illegible]

ex coniuncto [illegible]

[illegible] utrinque coniunctus, et consanguineus sint in pari gradu [illegible]

debeant pariter, et aequaliter succedere debeant quia paritas gradus [illegible]

paritatem affectionis [illegible] § 4 [illegible]

[illegible] maxime [illegible]

videlicet, cuius verba haec sunt: ita videlicet, quod pares in gradu

pariter succedant, et qui prior est in gradu [illegible] prius admittatur ad suc-

[illegible] excludit gradum [illegible] posteriorites. Unde [illegible] [illegible] gradu [illegible]
eadem [illegible] a constitutione consideranda sic in [illegible] [illegible] [illegible] [illegible]
[illegible] est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod [illegible] sunt admittendi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] constitutionis
proximioris, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Unde dummodo gradu posterioris [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
faciat, [illegible] quod dixit Bal. in l. [illegible] §. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] frater intelligitur frater [illegible] utrinque coniuncto, vel consanguine
[illegible] [illegible] [illegible] quia intelligitur [illegible] frater in 1° gradu. [illegible]
nulla differentia constituendam inter fratres utrinque coniunctos, [illegible] consangui-
neos dummodo sint in 1° [illegible] pari gradu [illegible] Accedit [illegible] verba [illegible]
gradus. Nam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] superstitibus
ascendentibus [illegible] collateralibus masculis. [illegible] [illegible] [illegible] [illegible] loco [illegible] [illegible]
gatiua gradus inter [illegible] succedentes in [illegible]. [illegible] quasi di-
cat in alijs casibus prerogatiua gradus [illegible] esse [illegible]. l. in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] 16° fundat dicta opinio in dispositione iuris
communis, quoniam tex. est in l. 1. C. de legi. hered. ubi est [illegible] quod [illegible]
[illegible] [illegible] sibi [illegible] succedit ab intestato sine differentia sexus sive sint
ex utroque sive ex uno tantum latere coniuncti [illegible] ita dictum tex. [illegible]
[illegible] [illegible] intelligitur, precipue a Bal. [illegible] [illegible] Cast. [illegible] [illegible]
tex. [illegible] [illegible] tex. in [illegible] [illegible] §. 1. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] est quod [illegible] in aliqua dispositione [illegible] vel statuti
fit differentia inter [illegible] [illegible] [illegible] [illegible] quia cognati agnatis [illegible]
[illegible], excludit [illegible] utrinque coniunctus excludit consanguineum [illegible]
[illegible] fortassis quispiam quod tex. in d. l. 1. non [illegible] quod [illegible] [illegible]
cui [illegible] facilis responsio [illegible]. Nam licet tex. ibi [illegible] [illegible] [illegible] [illegible]
quod ubi sola cognatio [illegible] [illegible], quod [illegible] ubi cognatio sola [illegible],
[illegible] [illegible] quod in successione, que [illegible] consanguinitatis, [illegible] in bonorum posses-
sione que proximitatis [illegible] [illegible] que [illegible] proximitatis nomine [illegible],
[illegible] bonorum possessione [illegible] cognati ut in l. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]. Considerandum est tamen quod [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] bonorum possessione [illegible] cognati [illegible] [illegible] agnati [illegible]
[illegible] [illegible] ibidem exponit. alioquin [illegible] [illegible] quod [illegible] [illegible] [illegible] quod [illegible]
[illegible] [illegible] ex eadem [illegible] [illegible] [illegible] natus [illegible] [illegible] cognatione [illegible]
[illegible] [illegible], solum queritur an ex eadem [illegible] linea [illegible] [illegible]
[illegible] vulgo [illegible]. instit. [illegible] [illegible] [illegible] [illegible] d. l. [illegible] [illegible]
in supra allig. l. iuris consultus. §. cognationis origo. [illegible] glo. in d. l.
1. dicit casu [illegible] [illegible] [illegible] [illegible] possessione [illegible] cognati. [illegible] casu
[illegible] diverso [illegible], [illegible] [illegible] [illegible] [illegible] in successione [illegible] [illegible] [illegible]
[illegible], necesse est, quod ex eadem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] d. l. [illegible] [illegible] d. §. [illegible] [illegible] sicut cognationis nomen [illegible] est

quia [illegible] est [illegible] l. [illegible] c. d. l. unica de suis

quia [illegible] cognationis [illegible] ita [illegible] dicendum est et certo proximitatis, ut

in d. l. unica. [illegible] C. de

legi. hered. [illegible] fundamentum [illegible]. Ratio autem quod

[illegible] consanguineus excludat [illegible] [illegible] coniuncto [illegible]

[illegible] maxime [illegible] C. de lib. [illegible]

[illegible] [illegible] [illegible] ideo quod [illegible]

[illegible] duo vincula, hoc est agnationis et cognationis

[illegible] quia quodlibet [illegible] aliquid operatur, [illegible]

[illegible] simul [illegible] aliquid plus operantur, ut dicit [illegible] in d. auth. itaque

et in alijs locis supra relatis. At in terminis substitutionis [illegible]

ratio non militat, [illegible] excluditur cognatio et agnatio

tantum in [illegible], ut Bar. [illegible] l. [illegible] § [illegible] et dec. [illegible] l.

illam quam C. de colla. [illegible] in [illegible] quando [illegible] fratres, quia ipsi

sine dubio, quicunque [illegible] fratres sunt [illegible] utrinque coniuncti sunt ex [illegible]

feminas omnes excludunt. Unde vinculum [illegible]

[illegible] sicut [illegible] nihil valet, ita nec [illegible] aut aliquid

[illegible] simul cum alio coniunctum: quoniam duo vincula [illegible]

[illegible] alterum habet [illegible] penitus inutile, [illegible] Bal.

in d. l. i. C. de legi. hered. et cum aliquid adducis, quod sit [illegible]

[illegible] l. [illegible] ff. de bon. poss. secundum tab. [illegible] quando uniuntur

duo [illegible] contrarius, [illegible]

[illegible] l. [illegible] C. de [illegible] et [illegible]

[illegible] C. de inutil. stipul. similiter quando duae sunt [illegible]

[illegible] et alterius [illegible] dispositio [illegible]

posteriorem inutilis, validam [illegible] proximitatis [illegible]

l. minoribus. 25 [illegible] ff. de mino. [illegible]

[illegible] iuris digestorum [illegible]

[illegible] introductum, quod cognati [illegible]

et quod utrinque coniunctus [illegible] consanguineo [illegible]

locum habet [illegible] in quacunque dispositione [illegible] in terminis [illegible]

agnatis excluduntur cognati ut in casu substitutionis [illegible]

Bal. in d. l. i. C. de legi. hered. quod [illegible]

Corn. sequuntur. [illegible] in feudis, quoniam [illegible]

[illegible], sed [illegible] succedit [illegible] sicut [illegible]

coniunctus. quod et alibi dixit [illegible] in tit.

de succes. feu. [illegible] succed. [illegible] sequitur Iac. alvar.

col. 2 [illegible] col. [illegible] et matth. de affl. col. 5. nu. 14. et in tit.

[illegible] Jacobin. de [illegible]

de feud. [illegible] n° xi. [illegible] Bal. in [illegible]

clarit and. tiraquel. in tract. de [illegible] § 14. in fi. in glo. 2. [illegible]
col. 120. in med. [illegible] passim [illegible] dicitur
quod [illegible] [illegible] [illegible] tamen [illegible] [illegible]
[illegible] ideo ex eo [illegible] succedendi. faciat quod dicit
Bar. in l. iedunecti col. pe. V. [illegible] iuxta [illegible] ff. de [illegible]
loco concludit iure accrescendi [illegible] non q[uod] fieri consanguineo
tantum quando cognatio [illegible] ut [illegible] sed tantum [illegible]
et eius successio. [illegible] Bar. in l. [illegible] col. fi. ff. de [illegible]
tenet utrinque coniunctum in primo fidei commisso non [illegible] fieri consangui[illegible]
quem sequitur Deci. cons. 304. col. fi. et tamen clarum est quod in fideicom-
missis [illegible] sonat [illegible] [illegible] ordine successiuo et [illegible]
[illegible] l. cum ita. §. in fideicomisso. ff. de leg. 2. l. pe[illegible]. §. pater [illegible]
[illegible] fi. C. de verb. signif. Deci. cs. 180. col. 2. V. secundo quia de
iure [illegible] quod ius ordine successiuo et gradatim [illegible] ut [illegible]
et est tex. in l. i. ff. de succes. edic. et in l. i. et l. ij. C. eo. tit. [illegible]
ciant, et verba constitutionis [illegible] pluries in eis considerata ex quibus col-
ligitur quod ad [illegible] [illegible] patris sine descendentibus masculis [illegible]
eius admittit ex [illegible] feminis. colligit autem hoc [illegible] [illegible] [illegible]
[illegible] sibi [illegible] [illegible] quamuis verba [illegible] uideantur sonare [illegible]
in casu in [illegible] extant descendentes, quibusuis constitutio fratres admittit [illegible]
constitutio videtur [illegible] ad casum [illegible] [illegible] [illegible] [illegible] cum non ex-
tat descendentes casus noster non [illegible] [illegible] [illegible] [illegible] Sed tamen ex dic-
tis verbis et mente colligitur quod [illegible] [illegible] extant descendentes [illegible] soli ad-
mittendi [illegible] dispositum [illegible] in mixto comprehendat casum simplicem [illegible]
et [illegible] uidemus dispositum in simplici locum sibi vendicare [illegible] in mixto
[illegible] in materia odiosa quando ad [illegible] [illegible] adaptari [illegible]
[illegible] [illegible] [illegible] tex. no. ubi [illegible] Bal. et Imo. in [illegible]
ita facta. ff. de [illegible] Ratio autem constitutionis est ut bona conseruentur
in familia, quae ita [illegible] quando soli fratres supersunt, sicut [illegible] quando in
[illegible] et descendentes [illegible] ergo dispositum in casu mixto [illegible]
[illegible] ad casum simplicem, [illegible] [illegible] [illegible] [illegible] l. i. [illegible] qui
[illegible] [illegible] [illegible] Et casibus [illegible] in [illegible] sub simplici mixtum
comprehenditur, ita et [illegible] sub mixto simplex continetur [illegible] Ang.
in l. quadam. §. nummularios. ff. de [illegible] qui [illegible] tex. in §. [illegible] mixta
[illegible] de actio. in l. [illegible] [illegible] §. [illegible] illud. [illegible] [illegible] quidem
[illegible] ratio [illegible] [illegible] fratres magis sunt [illegible] [illegible] [illegible]
[illegible] [illegible] ita [illegible] taliter quod [illegible] [illegible]
[illegible] [illegible] [illegible] iure [illegible] communi [illegible] sit, quod [illegible]
[illegible] fratres admittantur [illegible] [illegible] [illegible] [illegible] [illegible]
quod no. Bal. in l. i. quae [illegible] [illegible] ff. de lib. et posthu. et in
simili Bar. in l. [illegible] Annuntiasse, §. quod tamen. de adul. et Bal. in l. [illegible]
[illegible] in cons. 23. [illegible]

si [illegible] et [illegible] quod [illegible] quidd[illegible] ex forma [illegible] aliquā [illegible]
[illegible] si tamen illa qualitas nō esset [illegible] forma sufficien
[illegible] admittere [illegible] sine illa qualitate sicq[illegible] [illegible]
[illegible] illa qualitate, [illegible] mixtum [illegible] ascendentiū [illegible]
[illegible] fr̄is ad [illegible] admittere ex quo dicta mixtura [illegible] dictū [illegible]
[illegible] contra [illegible] ad excludendas [illegible]
[illegible] nō verba admittentia filios fr̄is cū illis fratribus sicq[illegible] [illegible]
[illegible] in eo [illegible] licet sic ex [illegible]
[illegible] dicti filij fr̄is admittuntur in [illegible] aut [illegible]
[illegible] fr̄ibus [illegible] si [illegible] aut in disiunctiuā resoluimus in ex.
[illegible] si fugitiui [illegible] [illegible] dictos filios fr̄is admitti [illegible] sine mix
tura [illegible] ascendentiū [illegible] multo magis [illegible] [illegible]
[illegible] Praeterea [illegible] in [illegible] si [illegible]
[illegible] ubi [illegible] admittendo [illegible]
[illegible] nō copulatiue, nec mixtim.
[illegible] dicte [illegible] dubiō [illegible] admittendum sine mixtura
[illegible] admitti in [illegible]
[illegible] ascendentiū ac fr̄is sub una terminatione pariformiter [illegible]
[illegible] terminant [illegible] sic absq[illegible] mixtura [illegible] hoc non [illegible]
[illegible] [illegible] quod [illegible] fuit [illegible]
[illegible] fr̄is admittendi [illegible] in [illegible] ascendentiū [illegible]
[illegible] quod [illegible] ex illis verbis [illegible] superdictis [illegible]
[illegible] vel ascendentes masculos, seu collaterales [illegible] foemina[illegible] exclusa
[illegible] collateralibus [illegible] mixtim [illegible] foeminas [illegible] altern
[illegible] [illegible] [illegible] verba [illegible] dicit, [illegible]
[illegible] [illegible] dicit [illegible] [illegible]
[illegible] coniunctim [illegible] coniunctim fr̄is sint admittendi [illegible]
eadē parte [illegible] [illegible] [illegible] in [illegible] in casibus [illegible]
[illegible] expressi omissis sint dispositioni iuris communis, quasi dicat, quod
si casus aliquis expressi omissus [illegible] sit [illegible] dispositioni [illegible]
[illegible] [illegible] casus [illegible] expressi omissus [illegible]
[illegible] consanguineo [illegible] facta est expressa [illegible] fr̄e utrinq[illegible] coniunc
to in casu successionis in bonis [illegible] fr̄is. [illegible] aliud [illegible]
aliquin nihil [illegible] nō [illegible] admitt[illegible] [illegible] si [illegible]
[illegible]
[illegible] illud verbū exclusiue [illegible] in quo [illegible] [illegible]
[illegible] et si dicamus [illegible]
[illegible] in [illegible] admittimus, [illegible] tamen [illegible]
[illegible] casu [illegible] omissus [illegible] [illegible]
adhuc [illegible] fr̄ibus [illegible] [illegible] sunt [illegible] [illegible]
[illegible] expresso [illegible] expresso [illegible] [illegible]

quid si tantum. ff. de lib. et posthu. in vi°. certo ubi glo., ad quod [illegible] [illegible] [illegible]. Cum quis sin[e] liberis decesserit ubi notabile, et [illegible] casu ex presso ad casum [illegible], [illegible] [illegible] eadem ratio [illegible] faciat, et quod dixit [illegible] [illegible] cardinalis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. xi. c. 12. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] aliud si statuentes [illegible] aliquid et quo si statuerunt [illegible] verosimiliter dispo[su]issent [illegible] [illegible] dispo[sitio]ne [illegible] casu omisso maxime [illegible] favore [illegible] [illegible] in casu nostro in quo si [illegible] [illegible] omissum est statutis [illegible] [illegible] [illegible] fratres consanguineos [illegible] utrinque coniuncto admisissent cum tam[en]

9. [illegible] frater ex utroque coniunctus est, similiter ut [illegible] [illegible] nomi[illegible] [illegible] [illegible] utrinque coniunctus est. ex aliis [illegible] quae ex supra [illegible] [illegible] [illegible] 8°. Separatur [illegible] [illegible] [illegible], [illegible] magis [illegible] [illegible] [illegible] quas actiones [illegible] sacrosan[ctae] [illegible] [illegible] quod correcta sunt legum, [illegible] ipsa lex ipsa intelligatur correcta, fatetur nihilominus quod facile [illegible] lex corrigitur quando [illegible] ad ius antiquum quod aliquando prius fuerat [illegible] [illegible] ut alex. [illegible] in l. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] glo. in [illegible] statuta [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] de aud. quas actiones. [illegible] quanto [illegible], nisi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] doc. in locis [illegible] quod quotiescumque ratio in [illegible] [illegible] [illegible] [illegible] ipsa vel [illegible] [illegible] ipsa [illegible], [illegible] est [illegible] correcta [illegible] lex correcta [illegible] [illegible] [illegible] ratio aut. itaque est [illegible] [illegible] [illegible], [illegible] [illegible] coniunctum consanguineo nisi quia est consanguinitatis et affinitatis [illegible] [illegible] [illegible] cognationis, [illegible] cognationis, hoc est [illegible] [illegible] [illegible] constitutio [illegible] excludat cognationem seu affinitatem; [illegible] [illegible] successionis [illegible] [illegible] fratres masculos vocat, feminis exclusis, sequitur quod correcta [illegible] aut. itaque [illegible] [illegible] ipsa aut. cum socialibus [illegible] [illegible] [illegible], quia constitutio tollendo affinitatem [illegible] [illegible] [illegible] [illegible] [illegible] consanguinitatis [illegible] [illegible] [illegible] in D. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] utrinque coniuncti [illegible] [illegible] correctio per constitutionem facta conformat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] frater ex utroque coniuncti [illegible] [illegible] [illegible] aut. itaque per constitutionem correctam [illegible] ut ad ius antiquum [illegible], [illegible] in successione D. [illegible] nicol. [illegible] D. [illegible] [illegible] [illegible] consanguineis [illegible] D. aut. utrinque coniuncto. Praeterea doc. in [illegible] [illegible] [illegible] [illegible] [illegible] aut. quas actiones [illegible] [illegible] [illegible] [illegible] quod quotiescumque [illegible] [illegible] quod absurdum, nisi [illegible] legum correctionem correcta sunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] constitutionem [illegible] esse correcta aut. itaque sequitur maximum absurdum quia constitutio ipsa sibi ipsi contrariatur. Nam [illegible] excludit cognatos

[illegible]

[illegible] excludere [illegible] [illegible]

[illegible] ignorantia [illegible]

[illegible] [illegible]

[illegible] et subiecta [illegible] absumi [illegible]

[illegible] admittendus [illegible] lex [illegible]

[illegible] absurdum . ff. de [illegible] dato absurdo, [illegible]

[illegible] absurdo [illegible]

[illegible] ipsis . D. Annibali, et alijs [illegible] facit quia

[illegible] cum D. Annibale et fratribus [illegible] forma [illegible]

[illegible] mittendi [illegible] quod ipsi [illegible]

non mitterentur. [illegible] necessario.

99. necessario. [illegible] quod [illegible] quod [illegible]

[illegible] quod simul [illegible]

[illegible] possessionem [illegible]

[illegible] acquisivisse

100. quod [illegible] auferri [illegible] l. id quod

nostrum [illegible] quod [illegible] ignorantia iuris

[illegible] excusat [illegible] ignorantia [illegible] in 6° l. iuris ignorantia . C. qui

101. [illegible] quia in facto [illegible] ignorantia [illegible] ad.

[illegible] sententia excommunicationis [illegible] excommunicato.

[illegible] in tit. de restitu.

[illegible] Aristot. lib. 2. Rhetor.

[illegible]

[illegible] litigantes [illegible]

[illegible] in possessionem mittendos declarauerit,

[illegible] in commissionibus regiminum [illegible]

[illegible] impediat, nisi [illegible]

102. [illegible] l. iudex . ff. de re iudi. siue bene, siue male [illegible]

[illegible] nec obstat quod ex [illegible] opinio.

103. [illegible] iudicis [illegible] Annibalis [illegible]

[illegible] Matth. [illegible]

[illegible] n° 4. ff. l. [illegible] dixi [illegible]

[illegible] hunc [illegible]

[illegible] matth. [illegible]

[illegible]

[illegible] locum [illegible] in [illegible]

[illegible] maxime [illegible] arg. l. iij. C. de [illegible] l. ij.

[illegible] in tit. de [illegible]

[illegible] ex post facto [illegible]

[illegible] in. commodato [illegible] sicut [illegible]

[illegible] l. [illegible] C. de transac. l. [illegible] in fi. [illegible]

[illegible] l. si mandauero. ff. man. l. cuius bonis [illegible]

[illegible] si quis [illegible] fi. C. de [illegible]

est, quod ad iudicium [illegible] ius est [illegible]

tentia. Et hec est, qua [illegible] hac parte [illegible]

[illegible] Et [illegible] tamen [illegible] quicquid [illegible] antiqui et moderni [illegible]

[illegible] doc- terminent [illegible] ad [illegible] tractatu nec [illegible]

la, que fortiora sunt, quam contraria [illegible]

[illegible] posset [illegible], sed [illegible]

colligi possunt ex fundamentis [illegible] consanguinei [illegible]

[illegible] potuit in [illegible] ex [illegible]

[illegible]

[illegible] quod sit disiunctiua, sicut [illegible] quod

[illegible] sit [illegible] et [illegible] sit inter personas [illegible]

fundamento [illegible] consanguinitatis [illegible] potissime in [illegible]

[illegible] quod [illegible]

[illegible] supra [illegible]

[illegible] aliquod [illegible]

[illegible]

[illegible] admittendos [illegible] utriusque coniuncto [illegible]

[illegible] aliquid [illegible]

[illegible] ut supra [illegible]

[illegible]

[illegible]

[illegible] mare [illegible]

[illegible] de casibus [illegible]

[illegible]

acci.

Quod hanc [illegible]

primo [illegible] ex eo quod [illegible] lib. 8o. [illegible]

ff. [illegible]

[illegible] an utrumque [illegible] excludat consanguineos vel non, et quando.

[illegible] loquitur [illegible] [illegible] [illegible] utrumque [illegible] [illegible] sed hoc [illegible] quia utrumque vinculum est [illegible] in [illegible] [illegible] vinculum [illegible] vinculum [illegible] vinculum cognationis est in [illegible] casus [illegible] casus [illegible] Alex. [illegible] obstat

Deum innocens adiutorem, qui eis sapientiam donavit, ita in [illegible] Granum in [illegible] nolentes [illegible] q. v. c. cum Paulus c. principatus [illegible] A[illegible]

Tonantis igitur invocato suffragio, eiusque gloriosae, et sem[illegible]

Mari[illegible] [illegible] tem[illegible] in pri[illegible] dubitatione, prima facie [illegible] dicen[illegible]

Filij Q. Petri mariae Sancnelli nati ex [illegible] secunda uxore con[illegible]

debeant in successione bonorum q. q. Bernardi testatoris p[illegible]

cum filijs [illegible] mariae ex prima [illegible] rombus

suadetur, Primo [illegible]

[illegible]

esse [illegible]

[illegible]

q. hoc [illegible]

alius accipere debet, videtur pariter dicendum, q. idem sit [illegible]

q. scilicet [illegible] cum ma[illegible] ex secunda uxo[illegible]

[illegible] sunt testatori communes, uti et filij ex prima uxore [illegible]

maria, [illegible] eadem persona [illegible] filij, qua[illegible]

[illegible] fratres, quod est fere absurdum, ut videtur probari in

tex. prae[illegible] possessionum § [illegible] C. comm. utri. iudi. Sequeretur, q.

ad impar[illegible]

[illegible] prout [illegible] tex. in

clem. [illegible] de sepul. in [illegible] de minus [illegible] cum inter de [illegible] cum sim[illegible]

[illegible] debeant succedere [illegible] uxore, [illegible] ex prima,

q. scilicet ad impuria trahantur, 3° [illegible]

[illegible], Sequeretur q. una, et eadem res, seu persona diverso iure

[illegible] quia alij succederent nati [illegible] ex prima uxore, et alij non succe

[illegible] ex 2a uxore. quod quidem videtur absurdum per tex. in

l. cum qui aedes ff. de usucap. cum vulg. 4°. quia istud est odiosum, q.

filij ex prima uxore admittantur ad successionem, et nati ex secunda

[illegible]

[illegible] q. [illegible]

[illegible] quidam ff. de lib. et posth. c. odia de regu. iu. in 6°, et ideo

videtur, q. [illegible] concurrere quo ad istam successionem in bonis

[illegible] quia in ultimis voluntatibus verba largo modo accipiuntur. c. cum [illegible]

[illegible] in testamentis ff. de reg. iu. [illegible] ff. [illegible]

posth. [illegible] ff. de leg. [illegible]

illa verba large [illegible] quibus in [illegible]

quaestio, ut etiam nati ex secunda uxore comprehe[illegible]

[illegible] sequatur absurditas, prout [illegible]

[illegible] ff. de lib. et posth., et [illegible]

dic [illegible]

[illegible]

sequere[illegible] maxime absurdum, quia nati ex pa. uxore admitterentur

ad successionem patrui, non autem nati ex 2da uxore, licet sint in eodem gradu, et tam sint coniuncti testatori nati ex 2da uxore quam et nati ex prima [illegible] quia in subsequenti [illegible] qui unum casum [illegible] casus patrigenio. L. cum proponas. C. de here. insti.; et sic et ad filios natos ex 2da uxore debet extendi, 3o pro ista opinione uidetur facere, quia uxor testatoris relicta fuit domina, massaria, et usufructuaria, quem dum possideret bona [illegible] [illegible] [illegible] tucioni, cum nec institucio locum habuerit [illegible] 4o quia uxor dicitur domina domus mariti, ut no. tradit bar. in l. [illegible] eum subortet [illegible] nu. 6. [illegible] le leg. 2o, et alibi et bar. dicit uxorem esse dominam rerum uiri in l. rerum amotarum in prin. ff. de actio. rer. amo.; sed si est domina, et non reliquit [illegible], uidetur quod nec et filii nati ex pa uxore [illegible] debeant ei succedere [illegible] quia licet in testamento sint illa uerba tunc [illegible] cum [illegible] subrepit [illegible] uerba [illegible] [illegible] [illegible] quare uidetur [illegible] per ista uerba [illegible] [illegible] uerbis [illegible] de [illegible] tamen [illegible] [illegible] [illegible] quia [illegible] debent [illegible] [illegible] ff. de leg. [illegible] et ideo illa uerba, [illegible] debent comprehendere et natos ex secunda uxore [illegible] uoluntas testatoris [illegible] [illegible] disposuisset si interrogatus fuisset [illegible] [illegible] ff. de pact. quod gl. [illegible] secundum bal. [illegible] habet in quacumque [illegible] de quo et est bonus tex. in [illegible] C. de posth. here. insti.; et dispositio [illegible] [illegible] [illegible] uerisimiliter [illegible], ut est allegatum, et no. tex. in l. [illegible] ff. de [illegible] [illegible] gradu [illegible] [illegible] in 2do uolum., et ideo in proposito [illegible] uidetur dicendum quod si testator de [illegible] uerisimiliter disposuisset; et ideo ista dispositio debet porrigi et ad filios natos ex 2da uxore [illegible] mariae, cum in simili casu disposuerit, nulla mencione bene facta de his qui nati ex post sunt ex 2da uxore, et ideo quia [illegible] erant in rerum natura, [illegible] quam [illegible] facere [illegible], et istam opi. tenebit, quibus tamen non obstantibus contrariam opi. puto [illegible] ad quam [illegible] me mouent infra dicenda [illegible] quia [illegible] [illegible] ff. de iudi. [illegible] [illegible] [illegible] qui tunc extabant, [illegible] excluisse uidetur; 2do mouet

15 quia verba generalia comprehendunt presentia, non autem futura, prout no. tradit Bar. in l. Paulo Callimacho § Pomponius in prin. ff. de leg. 3o et ideo cum filii B. Petri mariti ex 2a uxore nati fuerint ex post [illegible] [illegible] [illegible] tempore testamenti [illegible] [illegible]

16 comprehendere, de quo nisi [illegible] dicam, 3o quia a mente [illegible] [illegible] [illegible] non est recedendum l. cum virum C. de fideico. l. 3. [illegible] [illegible], et quia mens [illegible] [illegible] nati tantum ex prima uxore [illegible] succederent colligitur [illegible] [illegible] [illegible] [illegible] morte [illegible], mens ergo [illegible] [illegible] [illegible]

17 ideo sedanda est, 4o quia verbum et minimum nedum clausula debet aliquid operari, ne dicatur esse sine virtute, ut no. tradit [illegible] [illegible] [illegible] in 2o vol. et in cons. [illegible] nu. 4. in 5o vol., sed si [illegible] [illegible] filii nati ex secunda uxore [illegible] succederent, sequeretur illud verbum, seu illa dictio tunc [illegible] [illegible] [illegible] nihil operaretur, quod quidem esse non debet, et ista que diximus probantur in l. si quando quis ubi Bar. no. in prin. ff. de leg. [illegible] 5o moveor quia verba generalia ad tempus testamenti referri debent per no. in l. [illegible] § qui in [illegible] in prin. per illum tex. ff. de le. [illegible] ideo illa verba generalia [illegible] debet de [illegible] [illegible], qui tempore celebrati testamenti [illegible], et [illegible] [illegible] in [illegible] [illegible] [illegible] qui tunc [illegible], et [illegible] fundantur in opinionem

19 [illegible] [illegible] ex illa dictione tunc 6o moveor et in hoc facio magnum fundamentum, ex illa dictione tunc, que reperitur apposita in dicto testamento [illegible] Bernardi [illegible], de quo est questio, que de [illegible] tunc de sui natura habet hunc effectum, ut denotet extremitatem [illegible] per ea que no. tradit Bar. per illos tex. in l. tucontis in prin. ff. de reg. tutell. in l. in substitutione in prin. ff. de vul. et pu. [illegible] [illegible] in illa stipulatione nu. 3. ff. de verb. oblig., de qua dictione tunc quod significet extremitatem temporis est [illegible] tex. no. in l. huiusmodi ff. de verb. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] per que [illegible] tenet [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in cons. [illegible] [illegible] incip. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in substitutione vul. [illegible] [illegible] hoc probatur [illegible] [illegible] l. cum proponeret C. de here. in [illegible] hoc [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in casu expresso apponitur dictio tunc, [illegible] [illegible] [illegible] [illegible] in casu expresso, nec porrigitur ad alium casum, et hoc propter illam dictionem in casu expresso, nec porrigit ad alium casum, et hoc consuluit Roma. in suo cons. 131. incip. [illegible] [illegible] tunc, in simili et [illegible] nova supervenit, hoc idem tenet [illegible] [illegible] et in cons. 138. incip. nova supervenit [illegible] [illegible] in suo cons. 134. princip. visis diligenter thematis, et [illegible] in eo in suo cons. 57. incip. item instituo mihi in 2o vol. [illegible] nu. 3. et Bal. in cons. [illegible] quod notabilis volum. [illegible] [illegible] in v. vol., bene et facit [illegible] [illegible] [illegible] [illegible] in 4. col. in prin. nu. 12. in 7o vol. ubi inquit [illegible] super [illegible] dubio in 4. col. in prin. nu. 12. in 7o vol. ubi inquit

[illegible]

hanc opinionem [illegible] maxime [illegible] et celeberrimor(um) iurisconsultorum consiliis sic roboratam. [illegible] Confirmo istam op(inionem) quando supervenientibus liberis [illegible] filio [illegible] sunt liberi non [illegible] dispositio [illegible] l. in substitutione ff. de vulg. et pup. [illegible] allegantes, ut notavit Bar(tolus) in l. liberorum col. pe. ff. de verb. sig. Immo et Ias. in l. solemnis ff. de condi. et demons. Cum ergo vocati sint liberi [illegible] defficiente [illegible] subst[illegible] non [illegible] filiis non [illegible] illo [illegible] filii nati ex [illegible] uxore [illegible] velle non [illegible] per [illegible] tex. in l. unica [illegible] ad defficientis C. de caducis toll. [illegible] ideo cum nulla sit facta mentio [illegible] qui ex [illegible] uxore postea nati sunt, debent merito excludi, qui sub(stituti) ipsi non fuere. [illegible] quia non sufficit testatorem ita voluisse nisi et disposu(erit) ut est tex. apertus [illegible] in l. quidam cum filium ff. de hered. inst. quem [illegible] Bal. et Immo. [illegible] voluisset testator [illegible] disposuerit, sequitur quod dicti filii [illegible] ex [illegible] uxore [illegible] merito veniunt excludendi [illegible] Istud [illegible] con(firmo), quia dicta conditio a testatore apposita fuit voluntaria, quam [illegible] suis terminis restringi [illegible] alium casum non porrigit, ut no. Bar. in [illegible] quid [illegible] ff. de lib. et posth. [illegible] quia casus omnino [illegible] qui extra mentem testatoris non includitur sub dispositione, et [illegible] esset maior ratio disponendi, prout no. voluit [illegible] in l. [illegible] de leg. [illegible] et confirmo istam opi. quia volun[illegible] testatoris [illegible] facit l. ex facto. [illegible] ff. de hered. inst. sed saepenumero [illegible] propter nimiam subtilitatem in coniecturanda mente testatoris [illegible] animum non [illegible] videre, ut inquit Bal. in l. precibus col. [illegible] impub. et ali. subst. [illegible] lib. [illegible] distantes [illegible] rancas sicut longe distantes speculamur. Unde in dubio a [illegible] verborum non est recedendum l. non aliter ff. de legat. iij. in l. labeo [illegible] ff. de supellec. leg. [illegible] quem tex. allegat Bal. dicit in l. [illegible] C. de fideico. quod a verbis testatoris non est recedendum, nisi quando [illegible] constet de illud quod testator non loquitur, nec et [illegible] quod velle [illegible] ut no. Bal. per illum tex. in l. unica [illegible] ad defficientis [illegible] [illegible] maxime procedit in condi. [illegible] appositio quae debet specifice, et in forma adimpleri prout verba sonant. l. [illegible] l. qui hered. in prin. ff. de cond. et demonstr. [illegible] Bar. in l. gallus [illegible] quid si tantum ff. de lib. [illegible] relictis tamen [illegible] me in hanc opi. [illegible]

25. [illegible]

27. Non sufficit testatorem ita voluisse [illegible]

28. Conditio voluntaria a testatore [illegible] restricta ad casum [illegible]

29. [illegible]

31. [illegible] verborum [illegible]

32. [illegible]

33. [illegible]

Conditio voluntaria debet impleri in forma specifica

... mens ... , Reliquum est modo ut ... videre,
... non modice ... remittere ... videmur, in quorum iudicio ...
Ut dicam quae opinionem meam coadiuvabunt, quibus sibi peractis, spero
... , veritatem luce meridiana clarius apparere.
Obstat ergo primo ... dicebam deberi fieri separationem. l. pos-
sessionum ... comm. divi. iudi. et ideo dicebam quod si dividerentur, ...
tantum deberet percipere unus quantum alius, propter aequalitatem magis
servandam, quia ergo dicam longe esse diversam decis. illius tex. et
quod nihil facit ad propositum ... loquerentur in rev.^mis superio-
... quod illud procederet in fundo communi, quia tantum unus perciperet
quantum alius, sed nos sumus in casu, quo nulla est contracta societas, sed
solum tractamus de successione, in qua nullus habet ius, nisi qui vocatus, vocantur
ergo tantummodo filii nati ex prima uxore per illam dispositionem ... ut ... dictum
est, et ideo cum filii nati ex secunda uxore sint exclusi, nullum ius
... in dicta hereditate, et ideo in diversis terminis essemus. Non
obstat 2.^m et fundamentum de imparitate, quod ... ad imparia traherentur,
quia illud procederet, quando testatoris voluntas non contradiceret, sed
nos sumus in casu, quo testator voluit vocare tantum natos ex prima uxore
... voluntas servanda est. l. cum avi. C. de fideicom. l. 3. C. de
... nec obstat illud quod dicebam de aequalitate servanda per
... de testa. in c. ij. ... in c. cum inter de
... quia illa iura non loquuntur de successione, sed tantummodo con-
... regulam quod aequalitas in iudiciis servanda est. Praeterea ... quod aequalitas
sit servanda, illud procederet si res esset communis, sed secus est in casu
nostro, quo casu hereditas non est communis, quia mens testatoris est in contra-
rium ... non obstat ... cum ...
... si sunt fratres una, et eadem res sequeretur, quod una et eadem ...
diverso iure censeretur contra reg. l. cum qui aedes ff. de usucapio.
quia ergo dico illam reg. non habere locum in casu nostro, primo quia ille tex.
loquitur in possessione, seu usucapione aedificii, et ideo secus est, 2.do et
quia voluntas testatoris ... natos ex ... uxore ...
... non obstat ... quod ... ut filii ex prima uxore ...
nati ... nati ex 2.da uxore excludantur, et ideo istud
... l. cum ...
... quia ergo dico quod istud non est ... de mente
testatoris appareat, qui voluit vocare ad successionem tantum natos ex prima
uxore, ipse enim de suis rebus poterat ad suum libitum disponere, quia ...
... l. in re mandata C. mand. ... et ideo istud quod dicebam ...

[illegible] sinon [illegible] uxore admitterent [illegible]
testator disposuit quod filij nati ex p.º uxore admitterentur in fauorem ut eis
[illegible] fuit, et lex [illegible] interpretanda est [illegible],
nec debet retorqueri in odium, quod fauore eorum introductum est, uulg. l.
quod fauore ff. de legi. Si enim nati ex [illegible] uxore succederent, tollere-
tur quod [illegible] esset ipsis, quod esset iniquum [illegible] non obstat
testamentis uoluntatis uerba [illegible] recipiuntur [illegible]
l. in testamentis ff. de reg. iur. [illegible]
fallit [illegible] clare de mente testatoris [illegible]
[illegible] est uoluntas [illegible]
mentem aliquid [illegible] uidentur [illegible]
[illegible] uerba [illegible]
[illegible]
[illegible] absurditas si omnes non succederent, cum omnes sint pares in
gradu, et omnes sint fratres, et aequaliter coniuncti, quia [illegible] dico quod uerba non
possunt impugnari quando de mente testantis constat, sed debent
[illegible] in suum sensum quem sonant, Praeterea [illegible] nullum absurdum [illegible]
[illegible] testatori [illegible] Nec ob. nec [illegible] in subjectione [illegible]
[illegible] quando unus casus exprimitur ut ad alios casus similes
porrigatur [illegible] cum proponas C. de here. [illegible] illud procedit
simpliciter, fallit tamen, in [illegible] testatore [illegible] est per dictionem tunc
pro ut omnes doc. tenent in locis preallegatis dum de dictione tunc [illegible]
[illegible] uxor testatoris relicta fuit [illegible]
[illegible] tempore mortis [illegible] usufructuaria dictus uxor testato-
usufructuaria, et [illegible] tempore mortis [illegible]
-ris possidebat bona, et colligebat fructus, quia [illegible] ego dico hoc nisi
facere, multa [illegible] quae essent pertractanda, ut ad ueram cognitionem
casus in [illegible] possemus, [illegible] tamen agendo ea tantum
quae ad casum nostrum facere uidentur longum n. esset pertractare omnia,
quae in tali materia traduntur a doc. in diuersis locis, prout a cy. in
.l. C. si secund. nup. a Bar. in .l. titia. §. titia. qui est fi. ff. de legi. ij
a Bal. in .l. fi. C. de indic. uidu. tol. a Jo. and. in add. ad spec. in tit.
qui fi. sunt legi. in §. [illegible] in addi. [illegible]
galeoti a Bar in [illegible] hoc locum. C. si secund. nup. et ab alijs do. quos
non refero, uolui tamen haec loca citasse, quia quaedam ibi uideri
possunt, quae casum nostrum decidere uidentur, Dico ergo in proposito,
licet dicta uxor testatoris fuerit [illegible], ut usufructuaria, et
[illegible], et post mortem [illegible] fructus perceperit, nil tamen hoc refert
et moueor per tex. apertum cum ibi no. a Bar. et Doc. in .l. titia. [illegible]
ff. de legi. ij. in quo tex. disponit, quod si quis uoluit aliqua bona ad [illegible]

95. De iure [illegible] usufructuaria [illegible]

peruenire . . tempus post illud tempus uidet[ur] . . . illa bona ad suu[m]
heredem uenire, ita ibi c[ontr]a textum Bar. et doc. in uers. quero quid si ipse
quo uiv decedit , facit ad hoc l. in annalib[us] C. de lega. Et pro pre-
missorum declaratione uide Alex. in l. p[ri]. fa. ff. de uul. et pup. in l.
gallus . . . ff. de lib. et posth. in fi. et in . . . C. de lega. . .
testator sub no[m]i[n]e heredis uideat[ur] sensisse de omnib[us] heredib[us], et de qui
buscu[m]q[ue] heredibus, facit tex. in . . . ff. de uerb. sig. et in l. . .
eo tit. et in l. fi. C. de hered. insti. Bar. uero in d. l. titia. §. titia. in
terminis uidetur decidere . . . ubi uult, q[uod] si testator reliquit . . .
. . . quoad uiueret, que . . . uidetur testator uelle, q[uod] post mortem
legatarii peruenisset ad heredem ut in d. §. titia. habebit locu[m] istud . .
in herede heredis . . . si primus heres decessit ante morte[m] legatarii . .
legatu[m] perueniret mortuo legatario ad heredem heredis primi defuncti uiuo
legatario, quod idem tenet Bal. . . . loco . . . q[uod] heres heredis
habebit no[n] uirtute transmissionis, sed uirtute temporis . . . primo legato
quod finitur tempore . . . C. de lega. . . . subdit istud esse . . .
notandu[m], et . . . ista opi. . . . Bar. Cum. in d. l. titia. §. fi. qui ille
bona tex. qui facit pro opi. Bar. hoc est tex. in l. codicillis in prin. ff. de
annu. lega. not. . . . in l. fi. C. de lega. et in d. l. titia. §. fi. qui
. . . co[m]mun[is] opi. Bar . . . tex. in l. . . causa . . §. Pomponius
et q[uo]d ibi no[tat] gl. . . . tibi est . . . species . . . heres grauatus . . .
dare fundum titio ea conditione, ut si titius sine liberis decesserit restituat
fundu[m] heredi, et contingit primu[m] heredem decedere . . . titius sine libe
ris . . . et postea titius decedat sine liberis fideicomissu[m] no[n] debetur
heredi heredis, quia non transmittit . . . conditionale l. unica §. sin aute[m]
aliquid sub conditione C. de caduc. tollendis l. heres meus in prin. ff. de
condi. et demonstr. . . . ibi . . . quod . . . , ut legatu[m]
ad tempus relictu[m] fuit, puta hoc modo lego . . . quo . . . uiuens . . .
mortuo tale legatu[m] expirat, et perinde est, ac si pro ulteriori tempore
factum non esset, et ita procedit opi. Bar. et aliorum q[uod] ad herede[m] heredis
perueniet legatu[m] mortuo legatario et si heres . . . decesserit, aut legatu[m] fuit
factum simpliciter, et postea grauatus fuit legatarius, q[uod] post eius morte[m]
restituat heredi, et secus est, na[m] si . . . decessit herede, legatarius cui no[n] . . .
restituere legatu[m] heredi, non potuit restituere . . . heredi . . .
Pomponius cu[m] sua gl. nam legatu[m] non est temporale, sed perpetuu[m], et ideo
si tempore mortis legatarii primus heres reperitur mortuus tale legatu[m]
remanet penes . . . ibi . . . fuit . . .
. . . declarandi . . . q[uod] deus testator reliquit . . . hieronyma . . .

[illegible]

[illegible] Gmalis subseque [illegible]

[illegible] C. de colla [illegible]

no. bal. in l. [illegible]

[illegible] prolata recipiunt [illegible] verbis [illegible]

[illegible] ad taccitatem [illegible]

[illegible]

[illegible] alibus antea prol[illegible]
ideo [illegible] bona sua peruenire [illegible]
[illegible] tenere ex d[ict]o [illegible]
l. quia [illegible] et postens manibus filiorum [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] similiter [illegible]
quia non est credendu[m] q[uod] testator nolit se incontinenti corrigere
[illegible]
in specie, q[uod] postea uellet derogare clausule p[re]cedenti per clausulam
g[e]n[er]alem subsequentem, non est credendum, confirmo istud [illegible]
57 fundamentum [illegible] qualitas ad incognitum non extendit[ur]. l. tres
[illegible] ff. de pac. l. qui dicu[n]t tutoribus. l. cu[m] aquiliana de transac.
l. si. §. idem quesiuit. ff. de condi. indebi. l. iubemus. C. ad uelleianu[m]
l. [illegible] sub [illegible] de transac. c. [illegible] uerius de iureiur. c. [illegible]
[illegible] filiorum nasciturorum
[illegible]
58 habent suffragium a uerbis illis generalibus illo quod [illegible] per [illegible]
[illegible]
filiorumque non comprehendit illud quem patet se habere ignorabat
[illegible] tamen [illegible]
non fuit comprehendere illum [illegible] ignoravit [illegible]
elegans cons. lud. Roma. in suo cons. 438. nu. 3. cu[m] duobus seq. [illegible]
allegat [illegible] in similem [illegible] no. text. in l. si quis [illegible]
[illegible]
[illegible]
sequitur q[uod] dicta uerba g[e]n[er]alia non comprehendunt [illegible] uere
natos, maxime etiam, quia mens [illegible] est [illegible] in contrarium, q[uod]
alij nati sunt noluit eos tamen sibi succedere qui sunt ipse mortuo
[illegible]
no[n] dixit futuros, et q[uod] uerba g[e]n[er]alia intelliguntur secundum tempus testamen[ti]
[illegible]
[illegible]
[illegible] suscunt

Verum pretio fuerit ... [illegible]

... [illegible] suo 138. nu. 6. in p° ... [illegible]

... [illegible] et sublatum esse ... [illegible]

dicebam, q verba generalia debent generaliter ... [illegible]

ff. de leg. praestan. quia illa reg. ... [illegible]

... [illegible] constat de mente testatoris ... [illegible]

... [illegible] in l. si de certa. C. de transac. Sed ... [illegible]

... [illegible]

... [illegible] soli reperiebantur ... [illegible] mortis ... [illegible]

... [illegible] illa verba generalia restringenda ad clausulam ... [illegible]

... [illegible]

... [illegible] testatoris interpretanda, pro ... [illegible] dispositione ... [illegible]

casu interrogatus fuisset ... [illegible] quia ... primo ... [illegible]

... [illegible] interrogati ... [illegible]

... [illegible] non ... [illegible] disposi ... [illegible]

... [illegible] fundamentum non ob. Praeterea ... [illegible]

sitione testatoris facta simpliciter, vel in cond. ... [illegible]

... [illegible] dispositione voluntaria, in qua testator voluit vocare ... [illegible]

... [illegible] ipsius facti ... [illegible]

... succedit istam responsionem alleg. Dec. in cons. suo. 8... [illegible]

... [illegible]

... [illegible] concludendo ... [illegible]

... [illegible]

... [illegible] tanquam ... [illegible] natos

... [illegible]

... [illegible] exclusis f... [illegible] ex alia uxore, non obstantibus

quibus ... in testamento appositis, et non obstante ... [illegible]

... [illegible] et usufructuaria, minime obstante ... [illegible]

... decesserit, et uxor testatoris post mortem ... [illegible]

... [illegible] consilium oppositum fuit ... illam ... [illegible]

... [illegible] dispositione testatoris, et ... [illegible]

inferre filijs natis ex secundo matrimonio ... [illegible]

... ff. de stat. homi. respondi ego ... [illegible] pluribus et

causis, quarum nunc non recordor, sed istis ... [illegible]

illa ... [illegible]

testamentis ... [illegible] notariorum ... [illegible]

co dicitur, et quod ideo praesumendum erat ipso notario fuisset ex[illegible] in spe et illa clausula insolita apponi in [illegible] et [illegible] me, quia notarius erat diligens persona et sufficiens ac legalis et non incensatus, qua probavi per scripturas mihi exhibitas, et ostensiones et per [illegible] et [illegible] quia [illegible] [illegible] alia fundamenta [illegible]: que tamen nunc hic non refere, quia copia istius articuli [illegible] quis adduxit, ammisi, et item [illegible] nunc super hoc esset superfluum, quum [illegible] in consilio edito, et sigillato sit legere: [illegible]

[illegible] Ego [illegible] [illegible] [illegible]
minimus [illegible] [illegible]
[illegible] [illegible] scripsi et [illegible]

Anno domini 1558 aetatis meae 21 [illegible]
[illegible] fuit [illegible] doctoratus [illegible]

[illegible]

[illegible] ... ultimo [illegible] n°. 23. [illegible]

[illegible] nullo negotio adduci posset, quin [illegible] includi [illegible] ... Sat est, quod [illegible]

[illegible]

[illegible] ... n°. [illegible] appellatio [illegible]

[illegible] iurisdictionis iudicis a quo cui non devoluta appellatione ut hoc [illegible] ... de appell. Si vero appellatio non [illegible] ... non devoluto negocio a iudice ad quem ... iurisdictionis iudicis a quo [illegible]

[illegible]

[illegible] ad quem [illegible] sua appellatione non admissa ut sunt verba tex. Sed hoc casu cum [illegible] ... sequitur quod iudex ad quem non [illegible] cognoscere [illegible]

[illegible] ... quo [illegible] ... romana [illegible]

[illegible]

[illegible]

[illegible] indicat [illegible]

[illegible] iurisdictionem reassumit [illegible]

[illegible] quod si non appellatur in tempore iudex [illegible]

[illegible]

quod non [illegible] fit. [illegible] iudex [illegible] non facit [illegible]

[illegible] istum articulum resolvendum esse [illegible]

[illegible] tamen cognovit se posse in hoc iudicare cum auditis [illegible]

[illegible] taxa expensarum simul cum simul sententiam dixerit [illegible]

[illegible] iudex [illegible] iudi. cum [illegible]

[illegible] Corona [illegible] coram [illegible]

[illegible] remissivam [illegible]

[illegible] appellatione [illegible] non solum [illegible]

nulla, nullum [illegible]

[illegible]

quo tempore mil. [illegible]

[illegible]

in iudiciis, non respectu partis ut [illegible] Inno. in c. cum [illegible] in christo [illegible]

[illegible] except. [illegible] iudici non [illegible] appellatione [illegible]

locum habet hoc casu [illegible]

[illegible]

[illegible] dari [illegible]

[illegible] Corona non [illegible]

[illegible] incurrisse [illegible]

ipsorum. 2. q. 6. et in l. 1. ff. biduum ff. quando appellandum sit. et in nequam. Matthaeus afflic. decis. [illegible] 344. [illegible] decis. 750. n°. 88. [illegible]
et tali casu currit a scientia de momento ad momentum secundum [illegible]
[illegible]
[illegible] decem dies currunt a recitatione sententiae. quando generaliter causam [illegible] sit [illegible] non teneatur appellatione pergere tenetur tamen appellare [illegible] generaliter et si non appellare [illegible] eo quod diligentiorem
[illegible]
[illegible] appellatione et [illegible] decennium [illegible] appella.
[illegible]
[illegible] judicii [illegible] non [illegible] habere [illegible]
[illegible] et non [illegible] Restat modo et aliud obiectum
[illegible]
[illegible]
ergo quaecunque possunt nova iura deduci, ergo expressa non deberent. Huic sic
[illegible]
[illegible]
[illegible] deduci. ergo expressa [illegible]
[illegible] lex: quam ergo viderim quae mihi [illegible]
[illegible] deduci, et [illegible] quod [illegible]
[illegible] expressa et taxatio, et solutio quia illa [illegible] contraria
[illegible] obiectum [illegible] non praecludat [illegible]
[illegible] possunt oriri, quod cum [illegible] aliud quod non debeat taxari [illegible]
[illegible]
[illegible] dot. [illegible]
[illegible] matrimonio non [illegible] in [illegible] judicio
[illegible] et expressam solutio in matrimonio [illegible]
[illegible] doctrina [illegible] mauri in decis. Ulysi. 752. in fi. in. n°. [illegible]
[illegible] in causa matrimoniali [illegible]
[illegible] hoc casu non fuit appellatum [illegible]
[illegible] admitti [illegible]
non [illegible] indicatum, intelligitur si ab ea fuerit [illegible]
modo appellatum, quia [illegible]
[illegible] secus videtur [illegible]

[illegible] impararet, ut dicit Alex. in cons.
[illegible] tamen ergo idem in matrimoniali
[illegible] & sic cum decedit deum, et [illegible] illud non
[illegible] appellationem non fuit devolutum, & consequenter [illegible]
[illegible]
appellatum cum sit ut supra. Praeterea doc. praecipue Abb. in c. [illegible] di-
cit quod licet sententia contra matrimonium non transeat in rem iudicatam [illegible]
[illegible] posset revocari tamen antequam error detegatur [illegible]
[illegible] iustitia presumitur, et observanda donec de eius con[illegible]
tate, & ibidem dicit ipse [illegible] n.o iaii quod post decidium non post appella[illegible]
admittitur [illegible] post decendium ad probandum contrarium, sed mittit executioni
dici nisi fuerit cum audire ex iusta causa, quod et ipse Abb. dixit [illegible]
sub n.o 6. & in d. c. consanguinei n.o 10. ubi allegat [illegible] dicentem [illegible]
quod licet sententia contra matrimonium non transeat in rem iudicatam attamen [illegible]
ad [illegible] [illegible]
[illegible] contrarium [illegible] sed istud facile obiectum facillime [illegible]
[illegible] est [illegible] ut [illegible] asserentes [illegible] sed [illegible]
[illegible] argumentis. Corona iuris melius consulat ad [illegible]
in [illegible] [illegible] & iam [illegible]
[illegible] & iuri consonam [illegible]

Flaminius de Rubeis iurisc. Utinensis minimus.

[illegible] ... [illegible]

Questio [illegible] clinmoci. [illegible] [illegible] [illegible]
[illegible] Roma [illegible] Cypriani Carri [illegible]
[illegible] [illegible] Simoni Rubio et Coieta [illegible] [illegible] [illegible]
suocenis soluere sub fructibus [illegible]
[illegible]
[illegible] solueret [illegible]
[illegible] et mense Iunii [illegible]
[illegible] seruacione [illegible]
[illegible] anno et mense octobris [illegible]
eius pericula pensionis transmiserit ad suos heredes [illegible]
[illegible] tota [illegible] integra [illegible] petitio, quod [illegible] suos [illegible]
[illegible] heredes, [illegible] vero commodo [illegible] temporis. [illegible]
[illegible] [illegible]
ad [illegible] heredes [illegible]
[illegible]
et pensio [illegible] ubi [illegible]
[illegible] quod eius periculi pensionis [illegible]
[illegible]
[illegible] 2° [illegible]
[illegible] habere. 3° quia pensione exiges usufructu [illegible]
[illegible] usufructu [illegible] ad heredes transmitti [illegible] 4° [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 100 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] inspicitur. [illegible] soluta [illegible]
[illegible]
[illegible] usufruc. [illegible] l. [illegible] anno. [illegible] xi. [illegible] divortio. ff. so[illegible]
[illegible] utriusque [illegible] [illegible] ff. [illegible] iur. [illegible]
[illegible]

[illegible] ne careat [illegible] mendicata suffragia ita [illegible] Hier. Gig. in
[illegible] tract. [illegible] pensio. q. 53. ubi [illegible] alle. ibi videndos [illegible]
[illegible] adducit in hunc sensum [illegible] Cons. [illegible] Anch. 193. in
quo is doctor [illegible] multa [illegible] adducit.
In [illegible] anno isto [illegible] D. Jo. [illegible] post medium
mensem octobris. [illegible]
[illegible]
[illegible] nihil non [illegible] quia [illegible] est [illegible] fuisse [illegible]
[illegible] talis temporis [illegible] Et ita [illegible] in
[illegible] 1. 2.

[illegible]
[illegible]

pud me [illegible] durare [illegible] nō poe, [illegible]
Pistorio, et Corona eius filia [illegible] absoluam [illegible]
[illegible] omnis [illegible] ex [illegible]
[illegible] ad matrimonium [illegible] in [illegible]
matrimonialis causa, [illegible] spuales, quae [illegible] ad iudici [illegible]
eo ventilanda est nō coram seculari [illegible] omnino [illegible]
[illegible] notata [illegible] doc. [illegible] qui [illegible] sunt [illegible]
Simil. et tanto magis, quia iam iudex [illegible]
dd. Baldum a pretio [illegible] matrimonij [illegible] corona absoluit, [illegible] Corona [illegible]
[illegible]
[illegible]
[illegible] matrimonij [illegible]
[illegible]
[illegible]
una solemnia [illegible] sacramenti Concilij Tridentini introducta, quoniam [illegible]
[illegible]
[illegible]
[illegible]
2. sed sola, et simplicia sponsalia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 3º quia [illegible] Concilij Tridentini solemnitates [illegible]
[illegible] sacri Concilij [illegible]
[illegible] tradita, ipso iure nullus fuit contractus sponsaliorum [illegible]
[illegible]
[illegible] iudex [illegible] in sua sententia [illegible] quae [illegible]
[illegible] consequens est, ut [illegible] et suffocaverit omnis [illegible] matrimonio
dispensatio. [illegible] dico Baldum nullum contraxisse matrimonium [illegible]
[illegible] Baldum [illegible] iurisdictionem [illegible] forma [illegible]
Concilij [illegible] fuit [illegible] si effecerit Corona, licet [illegible]
cubuerit. [illegible] tamen est quod Baldum [illegible] cum nulla matrimonium contraxit [illegible] sed [illegible] et fatemur cum [illegible] patre
et cum [illegible] supra, ideo in hoc ulterius nō insisto. Venio in
ad casum [illegible] quaeritur, ad [illegible] criminale et [illegible]
[illegible] Baldum [illegible] dico [illegible]
ex [illegible] in [illegible] manifestissim

VV

[illegible] hoc pacto [illegible] [illegible] [illegible] [illegible] Baldi [illegible]
Coronam adamasse non falsum [illegible] ex eo quod Baldus [illegible] corona [illegible]
[illegible] fecit, ut sibi Coronam cum dote [illegible] uxorem daret quod [illegible]
[illegible] amare [illegible] [illegible] modo [illegible]
[illegible] [illegible] ipsius Coronae [illegible]
[illegible] x. [illegible] maior nulla [illegible] esse [illegible] l. [illegible] C. [illegible] confess. [illegible]
[illegible] quoniam [illegible] [illegible]
[illegible] Baldo [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] dare [illegible]
[illegible] dolore [illegible] fecit [illegible] Istud [illegible] facillime [illegible]
[illegible]
[illegible] nulli dubium [illegible]
[illegible] familiae, qua familia multos [illegible] diversis [illegible]
[illegible]
[illegible]
[illegible] familia [illegible] [illegible]
[illegible]
[illegible] benemerita sua [illegible] Balam[illegible]
[illegible]
[illegible]
[illegible] filium [illegible] doctor Baldi [illegible]
[illegible] Quod [illegible]
[illegible]
[illegible] nobilia [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Baldi [illegible]
[illegible] Coronae, cum [illegible]
[illegible] tractationem [illegible] matrimonium contraxisset, tandem
[illegible]
[illegible] culpabile, [illegible] qui sub [illegible] matrimonium [illegible] [illegible]
[illegible] Circa hoc [illegible]
[illegible]
[illegible] esse punibilem [illegible] copulam, quae [illegible]
[illegible] matrimonij secuta esset. At ego dico ex [illegible]
[illegible] contrarium [illegible] esse, quandoquidem Corona [illegible]
[illegible] 1568. [illegible] [illegible] induxit in causa

matrimoniali, quam in 2.a [illegible] matrimonii [illegible] Baldi [illegible] [illegible]
[illegible] [illegible] 5.a [illegible] [illegible] eadem [illegible] [illegible] [illegible]
[illegible] [illegible] die. 28. octobris 1506. [illegible] si [illegible]
[illegible] [illegible] [illegible] [illegible] secuta [illegible]
anno 1506. [illegible] matrimonium [illegible] erat [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
ergo, copula si uera esset, sine illa mala qualitate esse [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
4. Qualitas in [illegible] [illegible] [illegible] aliqua qualitas [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in summ. in [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
illam. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] sine ulla [illegible] [illegible] [illegible]
5. Copula [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] copulam [illegible]
[illegible] [illegible] [illegible] [illegible] Copula [illegible]
[illegible] directe [illegible] [illegible]
duos inter duos. 2.o quando [illegible] [illegible] [illegible]
[illegible] capiat [illegible] [illegible] [illegible] [illegible] clausura [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] tempore [illegible] [illegible] [illegible]
6. Tabula [illegible] copula [illegible] [illegible] [illegible] [illegible] [illegible]
7. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] adul. Sal. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
mia donna. [illegible] [illegible] in cons. 37. n.o 6. [illegible] in c.
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quasi ad impossibilitatem, [illegible] indirecta uidendum est.
Prima directura [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] conductura [illegible] erit sermo primus. 2.a aut conductura [illegible] [illegible] factus
[illegible]
[illegible] Corona [illegible]
[illegible]
[illegible]
[illegible] nou[illegible]
[illegible] omnes [illegible] dicens [illegible]
[illegible] timere [illegible]
[illegible] facit [illegible]
[illegible] 20 [illegible]
[illegible] Bal. in c. 1. [illegible] plures [illegible]
[illegible]
[illegible]
[illegible] supplicium [illegible]
[illegible]
[illegible] nec tali casu supplicium [illegible]
[illegible]
[illegible]
[illegible] familiares accusator, quoniam [illegible]
[illegible] in hac causa [illegible]
[illegible] domi [illegible]
[illegible] hominum [illegible]
[illegible] minimo [illegible] Corona [illegible] solita esset [illegible]
[illegible] Baldi [illegible]
[illegible] oppositionum, quoniam nunc famulatus corone, [illegible] annos [illegible]
[illegible] ancilla. [illegible]
[illegible] Corona [illegible]
[illegible]
[illegible] domum
[illegible] posse admitti ad [illegible] ea, que [illegible] familiaritati [illegible]
[illegible]
[illegible] et [illegible] domi [illegible]
[illegible] respondeo, minimo sic [illegible] Baldi. [illegible]
[illegible] cognosca[illegible] inquisi[illegible] quod [illegible] in [illegible]
[illegible] inquisitionem [illegible]
in specie [illegible] aliquem [illegible] Baldi. [illegible] tali casu [illegible]
[illegible]
[illegible] nimis [illegible] ad favorem Corone [illegible]

[illegible]

modū alio loco [illegible]
[illegible] coron [illegible]
[illegible] recita, quasi dicat [illegible]
[illegible] facta [illegible] sententia [illegible]
[illegible] affectavit sponsus [illegible]
[illegible] et maritationis [illegible]
vocatorios [illegible] Alex. in cōs. 200. [illegible]
[illegible] liceret si [illegible]
Lucretia, [illegible] Ant. ibide. quia sūt femine [illegible] in criminali [illegible]
[illegible] c. forus. [illegible] signif. [illegible]
[illegible] ad [illegible] 40. col. 122. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] femina [illegible]
[illegible]
[illegible] monia [illegible]
[illegible] Lucretia [illegible]
[illegible]
[illegible] Bal. [illegible]
[illegible] obstat. [illegible] signifi. Demū [illegible] Lucretia [illegible]
[illegible] Lucretia [illegible] testes Bal. [illegible]
[illegible] ex solis mariti [illegible] nil aliud habere [illegible]
[illegible] cū aliis famulis [illegible] necessario [illegible] ideo [illegible]
[illegible]
[illegible]
[illegible] manifestus [illegible]
[illegible] Bal. [illegible] col. 35. [illegible]
[illegible]
[illegible] adhibi
[illegible]
modicū [illegible] c. forus. [illegible]

ac [illegible] in l. 152. col. 3. in 5° vol. quod ubi tertis [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible]

minus, et qui honorem negligit, turpiss[imam] patiatur [illegible] abhorret, [illegible]

[illegible]

[illegible]

[illegible]

[illegible] admitti [illegible] [illegible] Bal. [illegible]

[illegible] et admit. [illegible] Bal. [illegible]

[illegible] anno. in [illegible]

[illegible] mars. l. 101. n° 10. in 2° col. [illegible]

[illegible]

[illegible] Baldus [illegible] Corona [illegible]

et quidem puto talem confessionem [illegible] p° quia [illegible]

[illegible] sine causa [illegible] indebito. [illegible]

[illegible] doc. [illegible] generaliter [illegible]

in c. [illegible] Rur. et imo in c. [illegible] 2° [illegible]

[illegible] in criminalibus [illegible]

[illegible] mars. in l. 20. n° 9. [illegible] l. 62. n° 14. [illegible] 5° col.

[illegible] Corn. l. 198. [illegible]

[illegible] Baldo, minori 18. annorum [illegible] 3° Baldus in [illegible]

[illegible]

[illegible] iudiciario [illegible] doc. in

[illegible] 4° [illegible]

[illegible]

[illegible]

[illegible] nomen [illegible] Corona [illegible]

[illegible] talis [illegible]

[illegible]

[illegible] nimirum si dicto [illegible] hoc [illegible]

[illegible] mili. [illegible]

[illegible] 2° tomo. Sed quid [illegible]

quod [illegible] haec crimina [illegible]

et in [illegible]

[illegible] indicauit [illegible] osculum [illegible]

[illegible]

[illegible] amori [illegible]

[illegible] non esse [illegible] quod [illegible]

iråta . uirū [illegible] orabat, ut [illegible] [illegible]
subridens, respōdit . si eos qui nos amat [illegible] [illegible] [illegible]
[illegible] Minime dignā [illegible] ait Valerius [illegible]
animi ore et humanitate manasse, quia in hunc [illegible]
nō multo laudabilius . Preterea oscula [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
oportune inferri, cū sit actus mulierū dicemus, [illegible]
præsumendam copulā ex osculo, oportet, quod osculū [illegible]
tēpore copule [illegible] paulo ante . Nunc accus [illegible]
[illegible] Baldus [illegible] [illegible]
[illegible] admissum est . [illegible] [illegible]
amatorū qui [illegible] quas amant, uxores, [illegible] mies Socius [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] sunt soli [illegible]
[illegible] [illegible] [illegible], apparebit [illegible] Baldū habuisse secretū collo-
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Preterea [illegible] [illegible] [illegible]
[illegible] dicta data [illegible] [illegible] [illegible]
Veniat itaque accusatores, his premissis, ad copulam et stupri [illegible]
[illegible] talis copula sit [illegible] . [illegible] dictū Corone, que dix
se fuisse [illegible] sed [illegible] dico nō statur, quoniā [illegible] comuni
[illegible] imo et [illegible] Ill.mi [illegible] Venetiarū edicta et anno [illegible]
die x. Junij [illegible] mulieri asserenti se fuisse [illegible]
[illegible] [illegible] [illegible] [illegible]
suam iuridicis [illegible]: quod [illegible] sic et iure comuni
[illegible] : Gram . in [illegible] 45 [illegible] Jo. Seudza . in [illegible] n.o 50.
[illegible] qui [illegible] qui idē dixerūt [illegible] [illegible]
[illegible] quod ipsi mulieri nō creditur [illegible] quia [illegible]
et [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] verba [illegible] [illegible] [illegible]
[illegible] est, ut [illegible] minimis rebus homines [illegible]
dicerent . Africanus [illegible] [illegible] declarat [illegible]
[illegible] [illegible] [illegible]
[illegible] illud [illegible] [illegible] [illegible]
fides [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

assertioni mulieris [illegible] [illegible] cognita [illegible]

Iudex [illegible] [illegible] causa

[illegible] Sequitur alia ratio [illegible]
[illegible] in solo dicto [illegible]
[illegible] uidetur multa ad copulam facientia [illegible] in eius depositione [illegible]
[illegible] fidem non esse adhibendam [illegible] subijciendis. 1° quia [illegible]
[illegible] 2° quia singularis est, imo quia unica, [illegible]
[illegible] copula [illegible] regula [illegible]
[illegible] nullus [illegible]
[illegible] ad admonendum
[illegible] doctrina Math. cap. 18. [illegible]
[illegible]
[illegible] Rufinu Aquil. dixit. quod uni testi [illegible] credendum non esse, quod [illegible]
[illegible] Hipp. et Mars. in cons. 20. n° 46. in 1° col. dixit unius testis [illegible]
[illegible] fidem [illegible] 5° [illegible]
[illegible] pardoni [illegible] in specie [illegible]
[illegible] Baldi. sed ego plus dico quod [illegible]
[illegible]
[illegible] cons. [illegible] como. [illegible]
[illegible] nimium [illegible]
[illegible] copula. [illegible]
[illegible] fol. [illegible] 5° de.
[illegible] sexta [illegible] copula [illegible]
Ang. et Bal. [illegible] cons. 72. n° 11. in 2° col. [illegible] Calep. [illegible]
[illegible] 6° dico [illegible]
[illegible] dicit [illegible]
[illegible] noctis tempus [illegible]
[illegible] sed [illegible]
[illegible] Baldi [illegible]
[illegible]
[illegible] sanguinis [illegible] sibi ostensa. [illegible] et hoc [illegible]
[illegible] mari [illegible]
eius [illegible] ostendere [illegible] fricare. sed esto, quod ostendisset [illegible]
[illegible] admittit, adhuc [illegible] quia posset esse [illegible]
[illegible] quia [illegible] nundinis [illegible]
[illegible] plenilunium [illegible] lib. 7.
cap. 15. [illegible] mulieribus [illegible]
[illegible] ideo hec dicta nihil [illegible]
[illegible] uerisimilia [illegible] supradicta fidem nullam [illegible]

[illegible]

Foly. nr. quia verisimile. col. [illegible] et praesump. imo et falso [illegible]
[illegible] 20. [illegible]
unica [illegible] [illegible] [illegible]
dcimr, quia in criminalib. [illegible] sine illa [illegible]
[illegible]
[illegible]
[illegible] facit [illegible] ut [illegible]
[illegible] esse sine [illegible]
[illegible] dee eundum iudicium [illegible]
[illegible] infulcus in tit. de iudi. n.º 10. [illegible]
[illegible] n.º 34. [illegible]
cion maioris dicitur illi [illegible]
remoueri possunt [illegible] consanguin. [illegible]
[illegible] in [illegible] Corsett. in [illegible]
Sed [illegible] nec merita esse [illegible] primo [illegible], ergo nec [illegible]
descriuit. [illegible]
[illegible]
[illegible] Cons. [illegible]
esse [illegible] Corna. [illegible] n.º 5. in 6.º [illegible]
[illegible]
[illegible] praesumptio [illegible] exclusiua [illegible]
[illegible] semper [illegible]
[illegible] in crimina[illegible]
[illegible] ex praesumptionibus [illegible]
[illegible] n.º 22. [illegible]
in foro [illegible] nisi [illegible] praesumptiones [illegible]
[illegible] n.º 37. [illegible] plenius [illegible] quia
n.º 124. [illegible] iudicium ex praesumptionibus
[illegible] praesumptio. ubi Salamonis iudicium [illegible]
iudicium [illegible]
[illegible] criminale [illegible]
[illegible]
[illegible] Salamon iudicauit. ideo ille
[illegible] Balde. Praeterea [illegible]
praesumptiones attenduntur. uel ad iudicandum in ciuilibus, uel ad [illegible]
[illegible]
[illegible] esse [illegible] ita Boss. qui [illegible]
[illegible] n.º 36. fol. 220. sed [illegible]

[illegible] [illegible] ut iudicium facit. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] iudicia [illegible] [illegible] cum [illegible] [illegible]
tum, quod dixi non, ita Deci. cons. 180. n°. 15. Hyppo. et Mars. in cons. 20. n°.
44. et 50. in p°. vol. Rouch. in tract. ad offen. n°. 39. fol. 120. [illegible]
et remoto iudicio [illegible] alias [illegible] [illegible] [illegible] ad [illegible]
[illegible] iudicium. ita Ross. in [illegible] [illegible] n°. 20. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
difficilis probationis unus [illegible] non sufficit. sic tenuit [illegible] [illegible]
[illegible] in cons. [illegible] 50. n°. 43. in 2°. vol. [illegible] [illegible]
[illegible] n°. 40. [illegible] [illegible] [illegible] [illegible] non sufficienter
si et omnibus [illegible] [illegible] praesumptionibus [illegible], et similiter ostendi [illegible]
[illegible] esse non [illegible] [illegible] nunc dico eam non [illegible] nec [illegible]
praesumptionibus. [illegible] in [illegible] adduxit accusator. tex. in c. litte.
[illegible] praesump. ubi ex praesumptionibus adulterii [illegible] [illegible]
[illegible] fuerit [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] posse, si mediocres [illegible] [illegible] [illegible]
[illegible] ad separationem thori, ideo nimirum si ad diffinitivam [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ille tex. non obstat [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] dum dicit illum text. [illegible] in civili
non in [illegible] [illegible] [illegible] [illegible] [illegible]
in civili facit plenam probationem in criminali non [illegible] ad plenam probandum
et ita ait [illegible] in d. c. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et utrum [illegible] [illegible] [illegible]
ita [illegible] [illegible] hic unica [illegible] [illegible] [illegible]
[illegible] tex. [illegible] [illegible] [illegible] in [illegible] cons. [illegible] n°.
in 2°. vol. ubi dicit [illegible] Antoni [illegible] [illegible] [illegible]
[illegible] ex eo non [illegible] adulterium, quod iuvenis in [illegible]
[illegible] [illegible] [illegible] et quod mulier [illegible]
[illegible] [illegible] [illegible] [illegible] esse quia non sequitur [illegible], quod [illegible]
[illegible] iuvenis [illegible] [illegible] [illegible] eum potuerit [illegible] agere ut [illegible]
et tamen non [illegible] [illegible] [illegible] videtur [illegible] quidam [illegible]
[illegible] [illegible] [illegible] et idem [illegible] in loco [illegible] n°. 23. [illegible] ex doc
trina Bal. in l. 4 [illegible] lib. 5°. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quando in simul [illegible] masculus et femina
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quando [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] non [illegible]

huiusmodi qualitas sunt in d. c. literis: idem quod ibi, ut predictum est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
praeditur. Sed quid amplius [illegible] Corona in [illegible] [illegible] [illegible]
[illegible] se pluribus dixisse et falsa esse [illegible] fuisse [illegible] valde [illegible]
55. [illegible] [illegible] maior [illegible] esse [illegible] [illegible] [illegible] [illegible]
sine contrariis [illegible] quod [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
in [illegible] illa [illegible] quod [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] qualitate [illegible] [illegible] fuit et [illegible] [illegible] [illegible]
[illegible] fide [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] accusatoris [illegible] [illegible] [illegible] tali qualitate [illegible]
55. [illegible] [illegible] [illegible] Simplicis [illegible] [illegible] poena ani [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
adul. et [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] 3. col. 28. [illegible] [illegible] [illegible] et quod dixit [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] n.° 22. [illegible] [illegible] [illegible]
virginitatem [illegible] defloravit [illegible] seductae sub fide [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] sed si [illegible] [illegible] [illegible] [illegible] mulieri [illegible]
[illegible] [illegible] verisimiliter credere [illegible] [illegible] [illegible] [illegible] [illegible]
56. [illegible] [illegible] [illegible] [illegible] Quod si [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] defloratione dimidia partis bonorum, [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
illorum [illegible] a terminis [illegible] [illegible] [illegible] [illegible] [illegible]
nullo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
auditum quod [illegible] [illegible] violentia [illegible] [illegible] per [illegible]
58. [illegible] [illegible] 8. [illegible] 2.° quia in [illegible] [illegible] [illegible] praesumitur [illegible]
[illegible] [illegible] [illegible] verisimile [illegible] [illegible] quod [illegible] [illegible] diversi
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] defloratio [illegible] [illegible] [illegible] [illegible] defloratio
[illegible] non punibilis quia [illegible] cum [illegible] non est punibile [illegible] [illegible]
[illegible] [illegible] [illegible] tit. quae sint regalia. §. [illegible] [illegible]
unde tamen [illegible] ubi id [illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] dixit Bernard. Diaz in sua praxi Crim. [illegible]

[illegible] ad tenet nec [illegible] ad eam [illegible]
[illegible] in foro [illegible] pena est [illegible]
penitencia [illegible] 27 [illegible] hoc [illegible] 37 [illegible] Sed [illegible] sit pena
[illegible]
[illegible] ad [illegible]
[illegible]
[illegible]
[illegible]
[illegible] virginibus [illegible] virginitas [illegible]
[illegible]
[illegible] Sed [illegible]
[illegible]
[illegible]
[illegible] ad penas [illegible]
[illegible] tamen iudex [illegible]
[illegible]
[illegible] ab omnibus [illegible]
[illegible]
[illegible]
[illegible] nullam [illegible]
[illegible] iudex [illegible]
[illegible]
[illegible]
[illegible]
tua. & ordi. coram. [illegible] c. cu. sic. [illegible]
licet. qui [illegible] habeant iudicem Ecclesiam. sed aliis
& causa secularis [illegible] tamen, si causa secularis
[illegible] causa [illegible]
iudicare. [illegible]
iurisdictionis, quod [illegible] ratione [illegible]
[illegible] causam iudicare liceret [illegible]
[illegible]
imponere [illegible] silencium accusatoribus [illegible]
[illegible] in expressis [illegible]
absoluendus, [illegible] iuris esse arbitror.

[illegible]

[illegible] ... 1 + 01

Nimiu dupl actiones [illegible] [illegible] et ceteri actores litis [illegible]
[illegible] communitatis [illegible] et [illegible] quod [illegible] est [illegible] in
[illegible] Communitatis [illegible] [illegible] ipsa communitas [illegible] modo [illegible]
[illegible] omnes [illegible] [illegible]
[illegible]
[illegible] nullo iure suffulta est, imo [illegible] [illegible]
[illegible] communitatis [illegible] soli [illegible] [illegible]
[illegible] [illegible] est [illegible]; Quo [illegible]
[illegible] [illegible] actores 3a [illegible] [illegible] 1o.
[illegible] nullus [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible]
2o [illegible] [illegible] ex [illegible]
[illegible] [illegible]
mor [illegible] 3o [illegible] nil habent [illegible]
et [illegible] [illegible] appellat [illegible]
[illegible] suppositio [illegible] sunt fundamenta [illegible]
[illegible] [illegible] [illegible]
in [illegible] [illegible] prima [illegible] Communitatis
Auiani [illegible] et [illegible]. [illegible]
[illegible]
[illegible] [illegible] non debet. c. [illegible]
[illegible] [illegible]
[illegible] [illegible] in quo loc. [illegible] lib. x. [illegible]
[illegible] ff. [illegible] leg. i. [illegible] quoniam § qui [illegible]
[illegible] fidei [illegible] est [illegible] quod [illegible]
[illegible] demontis, in fi. et [illegible] C. [illegible]
[illegible] l. diuus [illegible] ff. de offi. [illegible] et [illegible]
[illegible] 2. [illegible] [illegible] tex. est [illegible]
[illegible] C. de [illegible]
[illegible] C. de pan. l. ex facto. §. [illegible]
l. [illegible] C. ad l. cor. de sica. et [illegible]
[illegible] [illegible] multiplicam [illegible]
[illegible] hoc [illegible]
[illegible] illud [illegible]
[illegible] in [illegible] quod communitas Auiani
[illegible] [illegible]
[illegible]
[illegible] in [illegible] [illegible] communitas auiani faciat
[illegible]
[illegible] quod communitas
Auiani [illegible]
[illegible] et est [illegible] in [illegible] fol. 34. to. [illegible] duc. [illegible]

[illegible]
in [illegible] a fol. 35. usq. ad fol. 45. 3° [illegible] ex fide magnificorum dominorum de [illegible]
[illegible] una cum [illegible] D. Loc. ac principe [illegible] registratis in processu a fol. 45.
[illegible] 48. 4° ex alia [illegible] deputatorum [illegible] diei 4. novembris 1507. in processu fol.
[illegible] 5° [illegible] ex [illegible] parlamento [illegible]
[illegible] communitatis Aviani cum alijs ibi nominatis adversus [illegible]
[illegible] occasione [illegible]
parlamento. 6° [illegible] 8. Ianuarij [illegible] 7° ex par
[illegible] parlamenti. fol. 90. [illegible] in 1517. [illegible] 8° ex [illegible] fol. 97.
[illegible] D. Loc. [illegible] in [illegible]
[illegible] fol. 38. [illegible] 10. [illegible] Quod autem [illegible]
munitas Aviani vadat in Mag.co parlamento et sonat [illegible]
munitatibus [illegible] cum ex omnibus [illegible] proxime [illegible] ex
D. Loc. principi [illegible] fol. 23. 24. [illegible] ex parlamento [illegible] 1517. 28. [illegible]
[illegible] cum ceteris communitatibus intervenit nicolussius [illegible] aviano [illegible]
[illegible] 38. [illegible] Gaspardus [illegible] Avian
[illegible] communitatis Aviani, ut fol. 31. 32. [illegible] Cum itaque Aviani [illegible]
[illegible] vadit in parlamento [illegible]
[illegible]
[illegible] conclusio, quod [illegible] factionis [illegible]
[illegible]
[illegible]
[illegible] fundat
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] Sed [illegible]
[illegible] dicentes [illegible] quod [illegible] communitas Avian
[illegible] rurales factiones, [illegible] adducunt [illegible]
[illegible]
[illegible] hoc est [illegible]
[illegible] 1520. [illegible]
[illegible] fol. 59. 60. [illegible] fol. 66. 67. 3° fide eorundem [illegible]
[illegible] 60. 61. [illegible] Christiani [illegible]
[illegible] 5° [illegible] fide [illegible]
[illegible] fol. 68. 7° [illegible] 1508. 10. [illegible] fol. 68. 8° [illegible]
[illegible] 9° die [illegible] 1525. 18. Ianuarij. fol. 69. His [illegible]
[illegible]
[illegible] quia [illegible] plures annos [illegible]
[illegible]
[illegible] factionibus [illegible] communitatibus [illegible]
[illegible] sicuti constat [illegible]
[illegible] mand. [illegible] 18. [illegible] fol. 25. [illegible]
[illegible]
[illegible]
[illegible]

[illegible] loco [illegible]
[illegible]
litis exorcis, que ipsorum interveniente actione, [illegible] passi
in gessit multis in locis, et [illegible]
[illegible]
[illegible]
ductis etiam intelligi praesumptionis terminis [illegible], necesse [illegible] 20. [illegible]
[illegible]
[illegible] loco [illegible]
[illegible] ad [illegible] astringi ad [illegible] onus [illegible]
fidei sue. 2o loco deducta [illegible] nihil [illegible] nullius obligat. [illegible]
fidei. 3o loco deducta dicit animo cum aliis locis ibi nominatis anno 1523 [illegible]
[illegible] iniciatum, [illegible] sed ex [illegible] fuit, ergo nil relevat
[illegible] quod [illegible] ex [illegible]
[illegible]
[illegible] ex hoc [illegible] partis [illegible] respondendum, quod loquitur
[illegible]
[illegible] 5m [illegible]
[illegible] quia [illegible] Gabrielem [illegible]
[illegible] 6e obiectioni. 7m et 8m [illegible]
[illegible]
facionis. [illegible]
[illegible]
[illegible] reformationis et restitutionis ad antiqua privilegia. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad cetera [illegible] 20. [illegible]
[illegible] 2o [illegible]
dari ad [illegible] communicatum [illegible]
ceribus [illegible]
[illegible]
[illegible] 4o [illegible] 1485. 22. Julij. fol.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
diversis [illegible] 2o loco [illegible]
[illegible]
[illegible]

[illegible] respectu quadrat [illegible] 3° loco [illegible] 4° loco [illegible]
[illegible] communionis [illegible] sed ad primam [illegible]
[illegible] temporis [illegible] [illegible] quia [illegible]
[illegible] communicatione [illegible] parlam. [illegible]
[illegible] Excell.mo [illegible]
[illegible]
[illegible] fol. 18. 99. 100. 101. [illegible]
[illegible] fuisse duas sententias Excell. [illegible] temporis. 8. [illegible] 15. [illegible]
[illegible] x. [illegible] ordinarios senatus [illegible]
[illegible] in iudicio [illegible]
[illegible] at circa [illegible] teneri, cum fuerit cum communicante, et parlam. [illegible]
[illegible] sententia [illegible] fuerit [illegible] x.° [illegible] ordinarios senatus
[illegible] communionem [illegible] decisio [illegible]
rem indicatam, et in [illegible] audax esset, cum os [illegible]
[illegible] ab ipso [illegible]
[illegible] aut aliorum officiorum, et magistratuum [illegible] decisio [illegible]
[illegible] est, omnibus aliis posthabitis, et [illegible] circa [illegible]
[illegible] aliis [illegible], qui [illegible] communicant, [illegible] communi[illegible]
[illegible]
[illegible] 5. [illegible]
[illegible]
[illegible]
[illegible] tollentur, quandoquidem [illegible]
[illegible] factionis [illegible]
[illegible] decisioni [illegible] parlam. [illegible]
[illegible] factionis [illegible]
[illegible] omnia [illegible]
[illegible]
[illegible]
[illegible] nobilium [illegible]
[illegible] factionis [illegible]
[illegible]
[illegible]
[illegible] fol. [illegible]
[illegible] confirmatum [illegible]
[illegible]
[illegible] principali [illegible]
[illegible]
[illegible] 1558 [illegible]
[illegible] omnes, qui [illegible]
[illegible] loco [illegible]
[illegible] ex[illegible]
[illegible] communitates [illegible]
[illegible]
[illegible]

[illegible] quei sint Pragmna daco [illegible] hoc esset [illegible]
[illegible] adhuc ipsa [illegible] licet nominetur Aviani
attamen nō debet timeri quia in ipsis literis [illegible] saculi et [illegible]
[illegible] superbia tali sustinere [illegible] sunt [illegible]
sicuti [illegible] fidei comunitati [illegible]
[illegible] quia [illegible] nominatur [illegible]
sis literis nominatur faventia, et nihilominus faventia [illegible]
[illegible] et [illegible] nō subiacet tali exactioni [illegible]
[illegible] faventia [illegible] idem et aliis omnibus locis [illegible]
Et quidē Aviani, opitergini, saculi [illegible]
nominant, ex quo [illegible]
[illegible] loca subiecta [illegible]
[illegible] fuisset nominata [illegible]
[illegible]
[illegible] tale [illegible] sustineat [illegible]
Comunitas [illegible] loca nominata in litis [illegible] sustinent
[illegible] suppositā, ubi sunt in animo, ex identitate [illegible]
[illegible] tractantur, quae [illegible] iura [illegible]
[illegible] de [illegible] quia nō [illegible]
[illegible] ex legibus illmi Do.
[illegible]
-4º [illegible] usq. 10. dicit quod tales [illegible]
[illegible]
alia [illegible] fol. 4. [illegible]
[illegible] Do. nō est quod [illegible] ad hanc [illegible]
nisi [illegible] ex [illegible] Aviani comunitatis [illegible] aliquot
annis [illegible]
[illegible] fol. [illegible] 80. [illegible] illmo Do. [illegible]
[illegible] comunitati [illegible]
[illegible]
[illegible] omnes in Comunitate [illegible]
[illegible] comunitas [illegible]
[illegible] tali oneri [illegible]
et [illegible] omnes [illegible]
huiusmodi est [illegible] amor. Ratio in [illegible] 3.
[illegible]
[illegible] Comunitati [illegible]
[illegible] quae ipsi [illegible] nō esse [illegible]
Comunitatis [illegible] sed [illegible]
[illegible] Comunitati nō [illegible] licet [illegible] Comunitate [illegible]
[illegible] Sed [illegible] hoc [illegible] quia [illegible] illius
[illegible] ex quo [illegible]

fuit [illegible] ex [illegible] [illegible]
[illegible]
[illegible] exstat intus Decembris fol. 91 [illegible]
tenta non solum [illegible] communitatis Auiani [illegible] 12 [illegible]
[illegible] communitatis auiani indicat [illegible] ut fol. 91 [illegible] 92 [illegible]
[illegible]
[illegible] Rursus [illegible] inquisitio formata fuit [illegible]
[illegible] communitatis [illegible] ut fol. 96. Nec in hoc [illegible]
[illegible] habendum est [illegible] non habet [illegible] ex [illegible]
[illegible] 1387 [illegible]
[illegible] in [illegible]
[illegible] auiani. ex quibus [illegible] in [illegible]
[illegible] anno [illegible] et [illegible]
ut [illegible] animo [illegible] de [illegible]
[illegible]
[illegible]
[illegible] quod [illegible] falsum est [illegible]
[illegible] uerum [illegible] nihilominus
[illegible] communitatem hanc iurisdictionem [illegible]
[illegible] Auiani [illegible]
[illegible] iurisdictionem [illegible] non [illegible] sicuti quod [illegible]
[illegible]
[illegible] iurisdictione [illegible] ex [illegible] Quod [illegible] in [illegible]
[illegible] iurisdictione [illegible]
[illegible] 1384. 2 [illegible] fol. [illegible] 1386. 29 Januarij. fol. [illegible]
[illegible] fol. [illegible] 108 [illegible] 109. Quod illi, qui [illegible]
[illegible] et [illegible]
[illegible] Auiani, qui [illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible] 12 nouembris [illegible]
[illegible] fol. [illegible] 22. 23. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 133 [illegible] 135 [illegible] eo quod [illegible]
[illegible] hoc loco [illegible]
[illegible] communitas Auiani [illegible]
[illegible] sit subdita [illegible]
[illegible]

idē cōsiliū rogator cū additiōe [illegible]
[illegible] et cōmunitati [illegible] ad [illegible]
[illegible] Rmi [illegible] ei [illegible] fol. 93. et [illegible]
[illegible]
semp cōmunitati līas dirigere cōsueuit [illegible]
ac totius territorij caput, quod pbatur [illegible]
[illegible] līis duc. 1488. 10. [illegible] līis [illegible] 20
ianuarij 1508 [illegible] fol. 113. t°. [illegible] 1430 [illegible] fol. 116. t°.
et [illegible]
ambiguitatē tollunt. Caeterū quo ad 2m caput [illegible] principalis funda-
menti minime insistendum [illegible] quia [illegible]
nō pbat quod [illegible] cōmunitate nihil [illegible] cōrruit [illegible]
magisq3 cōuincitur [illegible] calumnia [illegible]
[illegible] in corpore cōmunitatis
Auiani, imo quod ipsi cōmunitatē faciunt. pbatur hoc [illegible]
[illegible] ex fide Magcon [illegible] [illegible]
t°. 49. in [illegible] nominātr et specificantur. [illegible] Mar[illegible]
[illegible] maior, [illegible]
[illegible] Sommat. et Villett. [illegible]
[illegible] et [illegible] Auiani, [illegible] liberi [illegible] fructientium [illegible]
faciunt cū cōmunitate et sic [illegible] cū parlamento. pbatur [illegible]
[illegible] 20 [illegible] fol. [illegible]
[illegible] cōmunitat [illegible]
[illegible] ex [illegible] 1408 [illegible]
[illegible]
[illegible] nominatē et specificantur. [illegible]
[illegible] quidē materia Aristot. lib. 3. polit. scriptū reliquit, ciuitatē [illegible]
[illegible] muros, sed [illegible] edificium, [illegible] ciuitas nō est ambitus murorum, sed [illegible]
[illegible] do, ut eodē loco Aristot. [illegible] ciuitatē in triplex [illegible] ordo [illegible]
[illegible]
[illegible] ciuitates sunt [illegible]
[illegible] ciuitatis nomen amittūt. [illegible]
[illegible] pane. [illegible] 366. n°. 21. in f°. [illegible] Ciuitatis [illegible] quarteria
[illegible] ciuitas diuiduntur [illegible]
[illegible]
[illegible] Arist. aeconomic. lib. 1. cap. [illegible] dicuntur pars ciuitatis [illegible]
licet sint extra muros, et [illegible] dicuntur in ciuitate habitare qui in
[illegible]
[illegible] dicuntur [illegible] unco.
[illegible] ad [illegible] aliqua [illegible]
in illis poterit exercere [illegible]

[illegible] [illegible] nos [illegible]

[illegible] [illegible]

cum appellari civitatis. [et quod] appellatione civitatis comprehendantur [illegible]

[illegible] suburbia sunt [illegible] clarissimi in l. athenus. in [illegible] edificia [illegible]

[illegible] [illegible]

[illegible] et in se [illegible] [illegible] et [illegible] [illegible]

[illegible] universitatum [illegible] lex [illegible]

[illegible]

[illegible] 1

[illegible] [illegible] [illegible]

omnia [illegible] [illegible] et in [illegible] in pacto [illegible] [illegible]

[illegible] [illegible] ad [illegible]

id iudicis [illegible] [illegible] ex [illegible] [illegible] [illegible] sunt. et

in [illegible] [illegible] [illegible] ab [illegible] [illegible] sol [illegible] se opponit

omnium oculis et clarus et refulgens et [illegible] [illegible] [illegible]

tot [illegible] et privilegiis [illegible] in [illegible] [illegible]

[illegible] [illegible] [illegible] et [illegible] totum ex [illegible] et

[illegible] et [illegible] communitas et [illegible]

[illegible] appellatur [illegible]

[illegible] sicut in [illegible]

[illegible] in [illegible] nulli est membri [illegible]

[illegible] [illegible] singuli [illegible]

[illegible] [illegible] [illegible]

[illegible] [illegible] ubi erit corpus. [illegible] [illegible] [illegible]

[illegible] civitatis [illegible] [illegible] [illegible] corpore [illegible]

nitatis et civitatis [illegible] quia [illegible] [illegible] inequales sunt quibus

[illegible] esse non pot. et consilium faciunt communitatis [quod] consilium totum

presentat civitatem [illegible] glo. [illegible] [illegible] aliud.

[illegible]

[illegible]

[illegible] communitas [illegible]

[illegible] possessiones, quas habet [illegible] [illegible]

[illegible] legatis l. cum [illegible] uxorem [illegible]

[illegible] si [illegible] ff [illegible] [illegible] glo. in [illegible]

[illegible] quod privilegia circa [illegible] [illegible] [illegible]

[illegible] ad [illegible] et subditos [illegible] [illegible]

[illegible]

[illegible]

[illegible]

[illegible] [illegible]

[illegible]

[illegible] sui principalis et accessorium [illegible]

[illegible] ex libris. § . testamento. ff. de con. [illegible] ad quod facit [illegible]

[illegible]

Nec dicat [illegible] aviani nobilitatis [illegible] exercitia mechanica exercent, et propriis manibus [illegible]. Quia [illegible] necesse est, quod in loco aviani sint artifices [illegible] privilegia [illegible] et rusticationem [illegible] ab altiss. [illegible] sacra pagina [illegible] cap. [illegible] nobilis vel innobilis [illegible] divitias aut [illegible]

[illegible] in iudicio, [illegible] sed in animo [illegible]

[illegible] quia in [illegible] oriundos [illegible] diversis exerci[illegible] Lentulos, Fabios, Pisones et eiusmodi [illegible] lib. 18. cap. 2. et [illegible] lib. [illegible] minores a villis ortum traxere, ut [illegible]

[illegible] memmit [illegible]

[illegible] esse censuit civem, cui [illegible] phos [illegible]

[illegible] pauperes, imo et pauperrimi [illegible] nobilis cives [illegible] alios Cincinnatus, qui semper [illegible] habens iugera 3. fisco pro amico consignavit, et cum quatuor colens ad dictaturae fastigium [illegible] ut [illegible] Val. max. lib. 2. [illegible] lib. 2. [illegible] lib. 3. [illegible] pauperrimus extitit [illegible] P. Corn. Tacit. histo. [illegible] lib. [illegible]

[illegible] maximini. plures [illegible] [illegible] sed nunc id non agit, solum dixit [illegible] nobilitatem, et [illegible] esse oportere, sed sufficit [illegible] ac nobilis [illegible] civis dicatur qui nascitur in civitate [illegible] domicilium [illegible] civis [illegible], incola ad tempus. [illegible] civus. C. et [illegible]. Civitas [illegible] [illegible] Bal. in l. [illegible] [illegible] cum dixerat Bar. in l. i. C. de digni. lib. 12 [illegible] gradiuntur, [illegible] ad officia communitatis [illegible] cives Aviani [illegible] tales ad omnia [illegible] nobilitati [illegible] in ora. [illegible] Sextio. [illegible] l. 8. [illegible] [illegible] alii [illegible] [illegible] fundamentum autem, quod [illegible] non nominat communitatem Aviani, sed Avianum simpliciter, [illegible] in [illegible] functionibus [illegible] ex [illegible] [illegible] honorabilis et nobilis [illegible], cuius nobilitas [illegible], aliis omnibus, ex eo [illegible] deprehenditur, quod [illegible] ea [illegible] iure [illegible] [illegible] 82. [illegible] 86. [illegible] ex [illegible] [illegible] de [illegible]. [illegible] et absolvi a petitione Actoris [illegible]. 30. annis [illegible] [illegible] in totum liberari [illegible] Educationis [illegible] hortato, et fieri iuxta eius [illegible] [illegible] .3.

Flaminius de Rubeis [illegible]

R[illegible] [illegible] x. [illegible]

[illegible] formam constitutionis felicis mem. cuius uerba sub rub. [illegible]

[illegible] quod unusquisque

[illegible] aliquid [illegible] iudicium [illegible] uel [illegible] solutum datum uendicare ua-

lere [illegible]

[illegible] iudicium uel in soluto datum [illegible]

[illegible]

iure non restitute, nullatenus ad uendicandum admittatur nec beneficio

constitutionis gaudeat. Huiusque constitut. uerba. Modo iste rusticus [illegible]

[illegible] ad conclusionem [illegible]

[illegible]

[illegible]

ab extra adduxit, quod rusticus non [illegible]

[illegible] sub sacro milit. [illegible]

ab [illegible]

modo [illegible]

rusticus [illegible] quidem [illegible]

[illegible] ex [illegible]

[illegible]

[illegible]

[illegible]

[illegible] sic [illegible]

ergo [illegible] debet [illegible] ratio [illegible]

[illegible]

[illegible]

ff. sol. ma. cum sim. [illegible] in [illegible] quadragesimo [illegible]

[illegible] x.

[illegible]

[illegible]

[illegible] id quod [illegible]

[illegible] minor [illegible]

[illegible] dixit [illegible] quod ubi eadem ratio [illegible]

ex [illegible] ex [illegible]

[illegible]

[illegible]

[illegible] ex [illegible]

[illegible] 8. [illegible]

regulatur tenuit Alex. cons. 52. in 4°. uol. cum sim.

Si ergo haec est ratio, qua ui[illegible], et [illegible] Sabis fieri, sequitur quia ad [illegible] adhuc admitti [illegible] [illegible]
[illegible] [illegible] qui si [illegible] non [illegible], nullatenus ad [illegible] admittatur [illegible]
[illegible]
[illegible] ex. [illegible]
[illegible] omnibus. [illegible]
[illegible] quod [illegible] [illegible] quod [illegible]
[illegible] in l. i. § sublata. ff. ad trebel. [illegible] quod si statutum dicat [illegible] actionem [illegible] admitti [illegible]
[illegible]
[illegible]
[illegible] lex vel statutum disponit aliquid fieri [illegible]
[illegible] certam formam, intelligitur [illegible] l. et statutum [illegible]
[illegible] glo. et no. in l. [illegible] ubi no. [illegible]
[illegible] intelligendum [illegible]
[illegible] quod statutum [illegible] similiter [illegible]
[illegible] ad [illegible]
[illegible] in [illegible] 38. col. 2. in
[illegible] l. [illegible] col. 2. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Alex. in cons. [illegible] col. [illegible]
[illegible] Alex. in l. i. § fi. [illegible] et [illegible] Alb. [illegible]
[illegible] ad [illegible]
[illegible] glo. in c. [illegible] in glo. [illegible]
[illegible] ubi [illegible] no. et [illegible] dicit, quod [illegible] quod [illegible]
[illegible]
[illegible]
[illegible] judicium. ff. [illegible]
[illegible]
[illegible] col. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

quod iudex [illegible] ... [illegible] nuper sub pena ducati
[illegible] si fuerit a parte petenti. Item si testator disponat, quod fratres sint
[illegible] dominium, [illegible] communione [illegible] hereditate [illegible]
[illegible] alicuius interfuerit [illegible] bona communicare. [illegible] ita in l. i. col. [illegible]
[illegible] ita consuluit alex. cons. 102. col. 2. in 3o vol. [illegible]
[illegible] [illegible] ad solvendum [illegible] exem.
[illegible] dilatio [illegible] Alex. in l. [illegible] Abcoribus. [illegible]
[illegible] iudi. Item si quis testator disponat, quod priores civitatis [illegible]
[illegible]
[illegible]
[illegible]
[illegible] col. 4. in p. [illegible] si quis [illegible]
[illegible] 8. [illegible] intelligatur [illegible]
[illegible] 106 [illegible] Bal. [illegible] col. fi.
ff. de iureiur. ubi dixit, quod si prius [illegible]
[illegible] quod [illegible] in supplendo [illegible]
si a parte petat. Et similia plura sunt alia [illegible]
[illegible]
[illegible] [illegible] dimitt.
[illegible]
praedicta oblatio [illegible] requiritur [illegible] usum [illegible]
[illegible] ad quod [illegible]
[illegible] iudices [illegible]
[illegible] sol. ma. [illegible]
[illegible] solutione, ita [illegible] oblatione [illegible] destinationem [illegible]
[illegible] C. de lui. [illegible] in auth. [illegible]
[illegible]
[illegible]
[illegible] in casu [illegible] quod [illegible] non solum [illegible]
[illegible] illud [illegible] consignatum [illegible]
[illegible] ad [illegible] admitti [illegible] quod [illegible]
[illegible]
[illegible] mandare [illegible]
[illegible] sicut [illegible] Bar. in l. si [illegible] C. de testi. [illegible]
[illegible] col. [illegible] ff. de [illegible] in l. [illegible]
[illegible]
[illegible] 2o [illegible] in l. [illegible]
[illegible] in. 6o [illegible]
[illegible]
[illegible] [illegible] possunt [illegible]
[illegible]
[illegible]

[illegible] est et forma, et qui [illegible] forma [illegible] pro diuersis [illegible]
[illegible]
[illegible] cos. 90. [illegible] fi. 3. col. [illegible]
[illegible] iure [illegible]
[illegible] iuri comuni aduersari [illegible] comp. [illegible] l. [illegible] et comu[illegible]
[illegible] ergo [illegible] forma. Statuta [illegible] forma [illegible] statuto tradita dicit
[illegible] ante actum, uel in ipso actu aliquid fieri requiritur, quia [illegible]
[illegible] in auc. [illegible]
[illegible] fit [illegible] l. [illegible]
[illegible] Bal. [illegible] m. [illegible]
[illegible] quod [illegible] C. ne [illegible]
[illegible] in ipso actu [illegible]
[illegible] annullatoria [illegible] dicere, ergo [illegible], quia forma
[illegible] ordinata dispositio [illegible] forma. C.
[illegible] fis. lib. x. l. forma. ff. et [illegible] l. constitutionibus [illegible] ad municipalis. Alia
diffinitio conuenit constitutioni [illegible] forma [illegible]
[illegible] forma [illegible]
[illegible] hanc formam [illegible]
[illegible], sicuti [illegible] dicimus in casu [illegible] iudicii [illegible]
[illegible] forma [illegible] a statuto inducta. [illegible]
[illegible] alia diffinitio formae quae datur in actibus hominum [illegible] l. i. §. cuiqui
[illegible] ubi dicitur [illegible]
[illegible] statuti ordinatio [illegible] prius, et posterius quae ordinatio [illegible]
[illegible] fiunt dispositum [illegible] ordinationi [illegible]
[illegible] ipsa forma [illegible]
[illegible] in [illegible] et hac [illegible] lib. 27. [illegible] dial. 6. haec [illegible]
[illegible] in ciuitate [illegible] ordinis [illegible] ex eo
[illegible] ordinata sunt [illegible]
[illegible]
[illegible] nomen [illegible]
[illegible]
[illegible] quod [illegible] [illegible]
[illegible]
[illegible]
[illegible] ob. [illegible] l. [illegible]
[illegible]
57. [illegible] adu[illegible] [illegible]
[illegible]
[illegible]
[illegible] tex. in clem. [illegible]

38 Sini que omittit, si uni et dicit et verbo tbrat, quod in statutis
Bal. in l. ediderunt. C. de pigno.
mex dican, sequit inmo forma, in quo ius iudicari
39 actus sine forma stare nec potest, forma illa dicitur
Abb. in c. tua nos.
40
pos. tecci. in cs. xi. n°. 8.
in tra. verac. desangui. in eum in ea quantitate. glo. xi. n°. 13. fol.
In casu ano in Astrictio sponsae decidit, quod agnatus possit
cat, sicut est natura dicit, dicitur non admitti in quibus illa
41 aliud maxime
Consulta annullatoria inducitur
in verum tenent Paris d. cs. ii n°. 87
sibi forma indicata est
42 minime quod non esse clausula annullatoria
vicium si non fierent per eius disposition, adhuc forma data dicitur
esse, aut quod actus esse non tenent. Bal. in l. non dub.
Bal. in l. certa. C. quando
43 quod fieri est contra habere clausula annullatoriam
opi. quam tenet Decius in cs. 460. n°. 13. cs. 612. n°. 3. et in d. l.
224. in 2° vol. Decius in c. nouit. n°. 18. et 22. et indi. et in
consilium. n°. 89. et offi. Alexander et hanc com. opi. dicit fernand. vasqui
in 5. vol. ubi ait omnes formam praesumi substantialem in dubio
ita ut actus aliter factus omnino non valeat.

[illegible] per veritatem sit scd'a esse quod i plex est forma; [illegible]
[illegible] ad [illegible] ad separationem veri et dicitur substantiale et accidens
[illegible] et sic ad generationem [illegible]
[illegible] ad generationem et ad [illegible]
[illegible] subsrum
[illegible] solum. Cognoscimus
vel excludit generationem minus solutione. ista est magistralis theorica Bal.
in l. cum quis. n° 5. C. iur. et fac. igno. Et sic ex omnibus premissis
liquet in casu nostro iuramentum esse de forma substantiali et essentiali [illegible]
[illegible] decisionis nostre. Ergo [illegible] maior
ad [illegible] Nam in [illegible] sub-
stantiali. dico quod non sufficit [illegible]
[illegible] deductionem in causa, sed offerret quod iuramentum interveniat
in initio. Forma est enim essentia ipsius actus quia omne esse est ex forma [illegible]
[illegible] forma dat esse rei l. [illegible]
[illegible] Alex. in cons. 38. ad [illegible]
[illegible] forma [illegible] forma artificiali
[illegible]
[illegible] fit transitus ad necessitatem esse. [illegible] quod forma non potest
[illegible] forma, dare omnibus [illegible]
[illegible] n° 2. ff. ad l. falci. [illegible] quod [illegible] forma
[illegible] et philosophus [illegible]
[illegible] n. 2. ff. de [illegible] in l. 1. §. si quis [illegible] n° 38. [illegible]
[illegible] secundum Bal. in l. [illegible] ff. ad exhib. [illegible] in l. [illegible]
[illegible] forma, [illegible] materia [illegible]
[illegible]
[illegible] forma [illegible]
[illegible] in [illegible] et appellationibus. n° 16. [illegible] et appella-[illegible] est ultima
[illegible] ordinis [illegible] Bal. in d. [illegible] quia [illegible] ex [illegible]
[illegible]
[illegible] forma dat esse rei, et est [illegible] essentia rei, et [illegible]
[illegible] quod est [illegible] informatio [illegible] actus [illegible]
forma dicitur [illegible] sua essentia [illegible]
[illegible] deo forma [illegible]
[illegible] ait Arist. in 2. de anima [illegible]
[illegible]
[illegible] materia cum forma [illegible] omnia rerum generatur [illegible] in initio [illegible]
[illegible] quando est [illegible] in quo [illegible] sequitur, quod considerari [illegible]
[illegible] sit actus, [illegible]
[illegible] actus; [illegible]

debet tempore oppositi vel petitionis, quoniam oppositio, sive petitio est subiectum in [illegible] forma non [illegible] considerari sine illo subiecto [illegible] cuius essentia illa essentia nec ante nec post actum debet manui, sed tempore actus in [illegible] casu [illegible] sit essentia sine subiecto, et actu, quod est impossibile, [illegible]

[illegible] quod [illegible] non admittitur [illegible] [illegible] actus dicitur esse de forma, ita [illegible]

post med. in 2° col. et Aret. in cons. 09. in p° col. 13° [illegible] indivisibilem, quia [illegible] mutatio in forma totum [illegible] l. cum eo dictio. § quoniam, ubi [illegible] Alberi. ff. [illegible] [illegible] ibi, et in l. testamenti. C. de testa.) et hinc [illegible] [illegible]

[illegible] forma [illegible]

[illegible] aliter.

ma [illegible] l. [illegible]

censi. l. [illegible] ff. de admi. tut. l. forma. C. de offi. [illegible] cedens. l. hereditatem [illegible] ff. [illegible] l. falci. l. [illegible]

l. certa. C. [illegible] l. [illegible] in l. de [illegible]

r. [illegible] lib. x. c. cum dilecti. de [illegible] in fi. nec mutari debet forma. l. i. C. [illegible]

in rem act. [illegible] in melius. l. [illegible]

[illegible] omissio forme [illegible]

[illegible] positionem [illegible] in minima [illegible]

[illegible]

[illegible] col. ult. in p°.

col. et in l. cessante ed. fi. C. quo. et [illegible] [illegible]

in 2. col. Alex. cons. 137. col. 4. et cons. 96. [illegible]

cons. 112. col. i. in 6° col. [illegible] cons. 96. col. i. [illegible]

in 2° col. Maria. soci. in cons. 24. col. 8. et cons. 33. [illegible] 3.

[illegible] forma [illegible]

privata secundum glo. in c. dis[illegible] in [illegible]

[illegible] in l. [illegible]

[illegible]

de form. col. 3. char. 52. vers. 3° ampliat [illegible]

[illegible] cons.

[illegible] cons. 55. [illegible] cons. 167. in duobus sequ. in 2° col.

cons. 97. in 4° col. soci. cons. 24. col. i. in [illegible]

et cons. 33. col. 2. in fi. et col. 3. in [illegible]

nec [illegible]

[illegible]

Dici. in c. consuluit et [illegible] Alegn. n° 88. [illegible] esse conclusionem

[illegible]

[illegible] lib. 3. §. 30. n° 8. Dici. in d. c. et [illegible] ubi dicit [illegible]

[illegible] nec [illegible] posse [illegible] in minimo. Sequitur ex his ad aliam conclusionem esse [illegible]

[illegible]

[illegible] si sit iuratus. [illegible] Bal. in l. si quis pro

[illegible] n° 107 [illegible]

[illegible] n° 4. [illegible] 2. [illegible] Vasquez. in

Succes. [illegible]

in forma, non ualere ut ualere [illegible] si agatur de libertate

[illegible]

quouis modo [illegible] resoluit [illegible] comm. [illegible] Vasquez. et Succes.

[illegible] Sequitur [illegible] esse [illegible] aliam conclusionem

[illegible]

[illegible] cs. 33. n° 24. uol. 2. [illegible] cs. 97. n° 25. in 4. [illegible]

forma interpretari, quod cum [illegible] ut supra dictum fuit

[illegible] in initio [illegible], huic forma nil addi, [illegible]

[illegible] sed ab initio fuit [illegible]

[illegible]

.3.

candis eius [illegible] nō fuerit sequitur iudicium [illegible] [illegible]
[illegible] modo [illegible] [illegible]
quia quod ab initio nō valet [illegible] [illegible] [illegible]
75. 4º. moueor sic: forma est, que tradit ad esse rei, et aduenit rei [illegible]
et dat primum, ac principale esse rei: accidentis autem forma [illegible]
[illegible]
[illegible] esse necess. et sic ditat dicitur esse [illegible]
[illegible]
[illegible] forme [illegible]
[illegible] Bal. in l. et in [illegible] in. alia quast. C. et
[illegible] [illegible] [illegible] col. 2. et in l. i. in prin. in p.
[illegible] cum [illegible] et [illegible] nº. 260. [illegible] quod [illegible]
[illegible] quia [illegible] forma [illegible]
[illegible] [illegible] sumit [illegible] unde error in forma dicit
[illegible] [illegible]
[illegible] dicta sunt, neque [illegible] seu [illegible] formā, et
[illegible]
[illegible] nō est immouendū, solū dico [illegible]
[illegible] esse ex forma, quia forma [illegible]
[illegible] esse illa, que aduenit rei in [illegible] existenti p modū
[illegible]
[illegible]
[illegible] Bal. in l. i. ff. de [illegible] [illegible]
[illegible] videndi [illegible] in esse [illegible] illa forma in [illegible]
[illegible] dico [illegible] forma [illegible]
[illegible] ex [illegible]
[illegible] forma [illegible]
[illegible]
30. in potestia existenti p modū introductionis in esse, ut [illegible] faciunt
[illegible] ex forma [illegible] aliquid requiritur [illegible] clausula
[illegible] forma [illegible]
[illegible] illa forma [illegible]
[illegible] requiritur [illegible]
81. [illegible] in d. l. i. ff. de [illegible]
[illegible]
[illegible] modis, [illegible]
esse nullus forma [illegible]
in d. l. i. ff. de lib. [illegible]
[illegible] in l. fi. C. de [illegible] Alex. in Con
[illegible] Imo. Alex. [illegible]

consultissima. ... in dubiis ... n° 17. ubi fulg. in 4° no. ... Bald. co. no. 4 ...

... generaliter ...

dandum ...

... in locis praedictis ... si unum ...

... consultissimus ... ex imperfecto ... non subsistit ...

... ff. de iur. codicil. l. fi. ... illud ... cum non

... conclusio ... quando lex, vel ... annullando ...

... alcia. n° 10. in d. l. i. ff. de lib. ... posthu. ...

... Alex. ... cons. 24. in 4° vol. ... Roma.

cons. 402. et cons. 66. quorum dicta referre ... longum esset, ... laboriosum. ... ex

... omnia ...

... ea omnes facti ... forma dicuntur facti ... sua essentia, ... nullo facto ...

... universa ... nullius ...

... nisi ... minoris aetatis, ... sacramenta ... sicut ... forma esse ... nullus, ... superius ostensum fuit

... cons. 107. col. 4 ... cons. 140. col. ...

... sed ... aetatis ... donatio ... proprietatis, ... confirmationis, ... alias similibus ... in restitutione tradita ... servata sunt nulli ipso iure. Modo ... quando actus ipso iure est ... ex ... obligatio ... actio ... obligat ...

... aetatis ... ipso iure ... ipso iure ... in dicto ... ipso iure ... nulla exceptione ... iudex ... dicitur ... consensu ...

... superius dictum ... ostensum fuit ... in contractibus, et in iudiciis ...

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... q. 4. col. sub n.° 4. ... quod forma legis, vel statuti omissa, cessat ... nulla ... civilis obligatio, et sic actio nulla oriri possit ...
... crim. et succes. ... q. 4. n.° 51. ubi ... [illegible]
quod pluribus ... [illegible] ... 7.° ... [illegible]
... clausula annullatoria actus ... [illegible]
... [illegible] ... partes non possunt ... [illegible]
... c. dilecto. ... [illegible] ... et in terminis ... dixit ...
... col. 4. quod forma a statuto tradita non potest renunciari. quod si renunciari non potest, tanto minus non observando ... [illegible]
... [illegible]
... [illegible]
... quod reus non excipiat, quia natura exceptionis non tenet ... [illegible]
... [illegible] ... statuti ... [illegible]
... [illegible]
... in hac causa ... [illegible] ... nullo modo
... forma statuti. ... [illegible] ... renunciare, adhuc
... [illegible] ... consil. 39. ... [illegible]
... [illegible] col. quod sub rebus liquidis, et indicatis ... non
... [illegible]
... [illegible] ... in singulari ... [illegible]
... [illegible] ... per ... quaestionum ...
... l. si ... [illegible] ... ff. ... [illegible]
... [illegible] ... stab. l. 1. ... [illegible] ... 8.° ... [illegible]
... non servata forma ... [illegible] ... in corpore ... [illegible]
... [illegible] ... quia forma statuti
... [illegible] ... nullo pacto, ... [illegible]
... [illegible] ... in cons. 142. ... alex. cons. 7. col. 9. ... Signo. in cons. 251.
... [illegible] ... C. de ... [illegible]
... [illegible]
... [illegible]
... [illegible]
... quod ... [illegible] ... ff. ... [illegible]
... [illegible]
... [illegible]
... [illegible] ... l. 1. ... qui ... forma ... [illegible]
... [illegible]
... in 2.° col. ... [illegible] ... fieri debent ... [illegible]
... custodiri. l. ij. §. post originem. ff. de origi. iur. ... [illegible]
... quia omnis forma dicitur inventa et introducta ob publi...

[illegible] Jaso. castr. in l. [illegible] causa. n° 3. [illegible]
[illegible] Alex. [illegible] n° 3. [illegible] [illegible] adducto ab [illegible]
[illegible] in q[illegible] novario in q. c. 2. n° 26. fol. 231. [illegible] forma statuti
est et eius substantia, sicut forma vel est et subs[tant]ia vel [illegible] forma in
[illegible] substantia actuum [illegible]
[illegible] [illegible] non [illegible] sacro [illegible]
[illegible] lex [illegible] loquitur [illegible]
[illegible] negociari. l. ij. [illegible] fur. [illegible]
[illegible] forma [illegible] Alex. [illegible]
[illegible] [illegible]
sacro [illegible] Quinimo plus dico, quod si forma
statuti omittat personam notarij adhuc actus vitiat, [illegible] non [illegible]
[illegible] Ang. [illegible] Alex. in l. ambitiosa [illegible] Cardi. in clem. i.
§. i. ad fi. [illegible] Sed non est [illegible] notarij, sed potius
[illegible] presumunt [illegible] l. optima. C. de [illegible]
[illegible] sibi [illegible] [illegible] qui non iuravit [illegible] [illegible]
formam [illegible] pietatis [illegible] quod [illegible] est [illegible]
[illegible] ubi dixit, quod [illegible]
[illegible] sacra [illegible]
[illegible] materia [illegible] pena [illegible] multa [illegible]
in [illegible] periculum simulate, adeo quod [illegible]
[illegible] lucrarentur, quod esset non modo [illegible]
[illegible] [illegible] Alex. [illegible] nam [illegible] in causa [illegible]
[illegible]
[illegible] in [illegible] [illegible]
[illegible]
[illegible] pastorales. [illegible]
[illegible] l. si [illegible] [illegible] [illegible] Bal. in l.
[illegible] in dubitanti. [illegible] excepciones, [illegible] sententiam
[illegible] non possunt non [illegible] nec [illegible] post conclusionem in causa [illegible]
[illegible] in causa [illegible] fuit [illegible] non modo ad [illegible]
[illegible] conclusionem, [illegible] admitti
[illegible] qui audivit affirmant quod [illegible] non [illegible]
[illegible] forma [illegible] post sententiam non [illegible]
[illegible] ergo si non admittit post sententiam nec [illegible] post conclusionem
[illegible] admittendus est. Quinimo [illegible] si non servata forma [illegible]
[illegible] subiacent secundum Bal. in [illegible]
[illegible] n° 7. in 3° vol. [illegible] actus omissa forma legis, vel statuti [illegible]
[illegible] omnia [illegible] Bal. in [illegible]
[illegible] omissa [illegible] actus [illegible] l'assum.

in [illegible] alle. [illegible] et [illegible] lib. i. §. 4. n.º 21. Et sic [illegible] premissa [illegible] iuniori esse opinionem [illegible] fundat [illegible] Adducta in contra[illegible] obstat [illegible] fundamentum [illegible] constitutionis [illegible] quibuscunque [illegible] actori [illegible] litis, sicut in [illegible] quia [illegible] dispositio est introducta [illegible] forma ut unusquisque [illegible] tractatur [illegible] forma [illegible] [illegible] ratio, sicut supra [illegible] forma [illegible] quod [illegible] causa, [illegible] ratio [illegible] [illegible] constitutionis [illegible] quod sint [illegible] quia in clausula annullatoria est verbum [illegible] temporis [illegible] huiusmodi [illegible] admittat, sequitur [illegible] posteriori clausula annullatoria sint verba [illegible] quod illud [illegible] [illegible] constitutio [illegible] forma [illegible] est exceptionem [illegible] in casu [illegible] data est forma [illegible] supra [illegible] forma [illegible] exceptionem est nullus. [illegible] simpliciter [illegible] clausula [illegible] fundamentum [illegible] in casu [illegible] dictum [illegible] quod is cuius in favorem [illegible] est forma [illegible] ergo [illegible] lex [illegible] exceptioni, [illegible] duorum [illegible] basis [illegible] clausula annullatoria. Nam aliud [illegible] mora [illegible] aliud [illegible] constitutio [illegible] forma [illegible] in esse et cum constitutio [illegible] sic contraria [illegible] doctum fuit supra [illegible] si [illegible] non admittat [illegible] nisi [illegible] quod [illegible] sunt contraria cum communi [illegible] [illegible] Alex. cons. 184. n.º 7. [illegible]

[illegible] 49. in [illegible] et alij [illegible]
[illegible] iura [illegible] nec modo [illegible]
[illegible] ad [illegible] quae [illegible]
licet facta dicat in manu not. nihilominus nec obstat quia [illegible]
[illegible] modo [illegible] non dicit [illegible]
[illegible] sunt non facere [illegible] illegitimi facere. [illegible]
[illegible] ita non [illegible] S. Edmundi [illegible]
[illegible]
efficiuntur [illegible] codicil. l. ij. [illegible] sacros. eccle. [illegible] ubi Paul. ad
Rom. cap. 7. [illegible] quia superius iam ostensum fuit cum
non posse [illegible] nec validari actus nullos [illegible] facere sine forma [illegible]
[illegible] esse et [illegible] possit [illegible]
[illegible] contraria [illegible]
[illegible] forma [illegible] clausula [illegible] in hoc casu. Non [illegible]
[illegible] non tribuit [illegible]
[illegible] ipsa constitutione traditam
[illegible] constat [illegible] principio ad esse [illegible] sed tamen facultatem
[illegible] quia ex
ma servata oritur omnis actio. [illegible] non [illegible]
[illegible] forma et [illegible]
[illegible] superius [illegible] quoniam licet constitu-
tio sit [illegible] in favorem agnatorum nihilominus [illegible]
[illegible] forma [illegible] non [illegible] clausula [illegible]
[illegible] non sit in odium agnati. si forma non servetur, [illegible]
[illegible]
[illegible] causa [illegible]
[illegible] constitutionis quae est, ut bona conserventur in familia, [illegible]
[illegible] collocentur [illegible] Modo sic [illegible] lex,
[illegible] statutum quod [illegible] favorabilis [illegible]
[illegible] renunciari nisi expresse [illegible]
[illegible] ubi [illegible] non [illegible]
[illegible] non opponendo [illegible]
[illegible] introducta [illegible]
[illegible] constitutione [illegible] introductam fuisse in favorem agnatorum
[illegible] quia [illegible]
[illegible] nobis [illegible] illa clausula [illegible]
[illegible] clausula annullatoria. ad quod [illegible]
[illegible] esse glo. in c. [illegible]
esse necessariam exceptionem [illegible] clausula annullatoria. quia non in [illegible]
[illegible] inducta [illegible]
Non ob. ultimum [illegible] multi alij [illegible]
[illegible] maxime [illegible] in hac [illegible] malitiosiorem [illegible]
mundus non habet maxime in materia [illegible]

unt, sicut vocat à Corn. [illegible] [illegible] cos, [illegible]
[illegible] maiores [illegible] Hier. in [illegible] ad ocean. [illegible] [illegible] [illegible] [illegible]
agri esse ingenio [illegible] Alex. ab Alex. [illegible] lib. [illegible] [illegible]
[illegible] [illegible] frane. Petrar. in suo [illegible] [illegible] lib. [illegible] dial.
multa [illegible] rusticos [illegible]. [illegible] appellat [illegible] [illegible] [illegible], [illegible]
et intractabiles. Praeterea non est simpliciter verum, quod rusticitas [illegible]
[illegible], [illegible] in ijs, quae iuris sunt non excusat, sicut [illegible]
inter quos est ille, ut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] est lex [illegible]
[illegible] C. de [illegible]. [illegible] [illegible] [illegible]. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible], [illegible] ignorantia [illegible]
[illegible] illa neminem excusat [illegible] [illegible] [illegible] [illegible]
[illegible] C. qui adm. l. si C. qui [illegible] [illegible] foemina iuris [illegible] [illegible]
[illegible]. Et quod iuris ignorantia neminem excuset dixit Aristot. [illegible] lib.
cap. 5. Praeterea [illegible] [illegible] [illegible] [illegible] [illegible] C. de [illegible] advoca.
sed error in [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. adhuc [illegible]
ipsi [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]
ideo negari non pot., quin [illegible] [illegible] [illegible] nullus. Et quod abso-
lutoria ab observatione iudicij [illegible] [illegible] salvo iure [illegible] [illegible]

Et ex his omnibus, et singulis [illegible], ut supra [illegible], [illegible]
[illegible] D. franc.[illegible] [illegible] fore absolutum ab observatione [illegible]
iudicij, condemnato ipso [illegible] in expensis, sive [illegible] advocato. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] iudi.
salvo iure melius [illegible] [illegible] [illegible].

Et ita iuris esse arbitror ego Flaminius de Rubeis iuris
[illegible] minimus salvo semper [illegible] [illegible]
[illegible] [illegible] in cuius rei fidem, et testimonium me sub-
[illegible] [illegible] [illegible] [illegible].

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] ista [illegible]

[illegible]

[illegible] cum [illegible]

[illegible]

[illegible] principali [illegible]

[illegible] aud [illegible]

[illegible] cum [illegible] talis [illegible]

[illegible]

[illegible] ad [illegible]

[illegible] ad [illegible]

[illegible]

[illegible] in primo [illegible] exponitur [illegible]

[illegible] onosco da [illegible]

[illegible] postea fasim [illegible]

[illegible] luxorat a principio [illegible]

[illegible] dicit [illegible]

[illegible] religione ad [illegible]

[illegible] ei cordi posita [illegible]

[illegible] hac [illegible] [illegible]

[illegible] aiat, aut adulterant [illegible], quae [illegible] [illegible], nisi [illegible]
odio esse cui quidem [illegible] [illegible] [illegible]

[illegible]

[illegible] quin medicus sit, [illegible]
ab Alex. [illegible] lib. 6. cap. 10. [illegible]
[illegible] homine [illegible]

[illegible] lib. 5. cap. 12. [illegible] est (inquit) [illegible]

[illegible] in mendacio [illegible]
[illegible]

[illegible] idem [illegible]
[illegible] damnum [illegible]

[illegible] leg. acquil. Similiter si filius [illegible]
[illegible] beneficio [illegible]
[illegible] numeratio [illegible]
[illegible]

[illegible]

[illegible] locato [illegible]

[illegible] loca [illegible]

[illegible] quod [illegible]

[illegible] quod [illegible]

[illegible]

tempore tatu adiutor praestare tenetur ... C. de loca. [illegible]

[illegible]

[illegible] respondet, quod ... inhabilis esse ... [illegible]

dei, ad cursim, et excauidit ... quod cecidisset, si nimio cursu

fuisset fatigatus. Praeterea darius fuit equus ad unum usum ...

... ad cursum ... ad [illegible] ... tradatim et [illegible]

... ergo currere

... ad [illegible]

... arg. l. 3. C. ... in lite dom. ... et ... l. commodissime.

[illegible]

[illegible] ad [illegible]

[illegible] ad [illegible] [illegible] [illegible] [illegible] [illegible]

Flaminius et Rubris [illegible]

[illegible]

[illegible] .C.

Praetermittenda sunt multa de industria in causa negocii q. sp. d. Bar [illegible] tonii inventata, et ventilata, siquidem pars [illegible] in voce facti pertractata fuit, unde [illegible]
[illegible]
patres [illegible] Judices in judicando [illegible] : venit itaque in dubium an d. [illegible]
[illegible]
[illegible] et dubio quidem procul puto ipsum [illegible], et Calderinos [illegible]
[illegible] Pontani condemnari ad reddendam rationem [illegible] petitio duo continet
[illegible] remanens reliqua [illegible] si ita fuerit. §. quaestio. ff. de
[illegible] fina. ff. de fideicom. libert. l. si statuliber [illegible] §. si quis [illegible]
[illegible] verb. signif. l. si quis [illegible] ff. de [illegible] cum sim. [illegible]
[illegible]
[illegible] Pontanus [illegible] obtinere [illegible]
[illegible] fundamentum [illegible] autem [illegible] quae in [illegible]
[illegible] in suis exceptionibus [illegible]
[illegible]
[illegible] Pontanus [illegible]
[illegible] in cons. [illegible]
[illegible]
ff. ad l. aquil. Bar. in [illegible]
qualificatam [illegible]
eo modo [illegible] Canon. [illegible]
Bar. in l. [illegible] ff. de [illegible] Bal.
in l. si quidem C. de transac. [illegible]
[illegible] quoniam ad hoc [illegible] confessio [illegible]
et qui [illegible] confessio [illegible] plene [illegible]
ita dicunt doc. in locis [illegible] si quis dicat occidi [illegible]
[illegible]
[illegible] in locis [illegible]
[illegible]
[illegible]
[illegible] in affirmativa [illegible]
[illegible]
[illegible] Pontanus [illegible]
[illegible] emancipatis. C. de colla. [illegible]
[illegible]
[illegible]
[illegible] Pontano [illegible] dicto [illegible] Calderinus [illegible]
[illegible] Calderinus [illegible] et [illegible]
hoc fuisse [illegible] Calderinus [illegible] occupatus erat, vel [illegible]

reportasse, et quod de utilitate participaint, que ad [illegible] tantum concessum [illegible]
deponunt inter ceteros p. 2. 7. et 14. testes ad hoc videndi, quod de confirmatione [illegible]
[illegible] literas ducales, ut dicit [illegible] testis [illegible]
eo quia [illegible] pecuniarum [illegible] spectat tamen [illegible]
[illegible]
[illegible]
[illegible] affirmat [illegible] pater [illegible]
[illegible]
[illegible] testis [illegible] 20. [illegible]
[illegible]
[illegible] summa [illegible]
[illegible]
[illegible]
[illegible]
[illegible] fundata [illegible]
pontonus [illegible] ordinarie [illegible]
[illegible] pontonus [illegible]
tota vis consistit in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] impertinentia [illegible]
et quod [illegible]
[illegible]
[illegible] in libro [illegible]
[illegible]
[illegible]
[illegible]
[illegible] contrariu [illegible] pontonus [illegible]
[illegible]
potest [illegible] consonantia [illegible]
[illegible]
[illegible] pontonus [illegible]
[illegible]
[illegible] ordinarium [illegible]
[illegible]
[illegible]
[illegible]
[illegible] scripturas, et
[illegible] ordinarium [illegible]
[illegible] ex libro pontoni, [illegible] sit pontonus [illegible]
[illegible] modo in [illegible] ordinario [illegible]
[illegible]
[illegible]
[illegible]
[illegible] attendiitur, quia si [illegible] inventa confirmata [illegible]
[illegible] tanto temporis [illegible] scripta fuissent, [illegible]
[illegible] scripta [illegible] penes se habuit, et [illegible]
[illegible]
[illegible]
[illegible]

[illegible] in c[illegible] .20 [illegible] et [illegible] oct[illegible] .11.15.16. et 17 [illegible]

12. [illegible] qui accus. [illegible] Nec obstant oppositiones factæ con[tra] dictu[m] test[em] [illegible], quia no[n] po[test] quis test[em] [illegible] et [illegible] [illegible] [illegible] de test[ibus] [illegible] qui test[em] [illegible]

[illegible] contra [illegible] secundu[m] glo. in c. [illegible] Romanorum, in ver. suffragati [illegible]

informationes [illegible] secrete, et clam [illegible] testium [illegible] [illegible] nimium [illegible]

[illegible]

[illegible] qui [illegible] admittuntur [illegible]

[illegible]

[illegible] cont. [illegible]

[illegible] ficationes [illegible]

[illegible] ad no[n] [illegible]

Congerit multa Corn. in cons. 30. in p[rincipio] vol. Nec valet [illegible] ipse testis [illegible]

[illegible]

[illegible]

[illegible] obstat, quia in civilibus [illegible] testis [illegible] consanguineo [illegible]

sanguinei. 3. q. 5. et no. in l. parentes C. de test[ibus]. Nec obstant [illegible]

[illegible]

et, tamen hoc est dixit palam, secrete [illegible] verba, [illegible] in carnem

[illegible]

[illegible] similiter [illegible]

et [illegible] ostendunt, et in occulto [illegible]

[illegible]

[illegible]

Sicut [illegible] erat [illegible]

[illegible] deponat [illegible] quia veritas [illegible]

[illegible] amicus Socrates amicus Plato [illegible]

[illegible] veritatem [illegible]

ita plane [illegible]

[illegible]

[illegible] quasi [illegible]

[illegible] ad aures [illegible] verisimile [illegible]

[illegible] unde ipsi [illegible]

[illegible]

[illegible] et [illegible] quia [illegible]

[illegible]

[illegible]

[illegible] in consideratione [illegible] quia non [illegible] testis [illegible]

[illegible] tempore [illegible]

[illegible]

[illegible] quia no[n] [illegible]

[illegible] sunt contraria [illegible]

[illegible] quia [illegible]

[illegible] quomodo po[test] dici [illegible] credito[rem] [illegible]

[illegible] quia conscientia, quæ est mille testes [illegible] et [illegible]

[illegible]

[illegible]

[illegible] haberet, [illegible] sicuti et lex [illegible]

[illegible]

[illegible] habet.

[illegible]

[illegible] vel [illegible] [illegible] sindicos [illegible]

[illegible] dicti [illegible] testis [illegible] qui [illegible] dicti capitum [illegible] iudices, qui eos [illegible], et eis [illegible] admonerunt, unde [illegible] est: [illegible]

[illegible] quamvis accepisset plures pecunias non tamen [illegible] sequitur [illegible]

[illegible]

[illegible] est verba impropria, ideo [illegible] [illegible] [illegible] l. [illegible] Bar. in l. ii. §. [illegible] ff. de aqu. pluv. arc. [illegible] [illegible] Roma [illegible] 22 [illegible] deponentes [illegible] quia [illegible] [illegible] bationes sunt faciende l. quinquaginta in fi. ff. de [illegible] C. de testi. Congerit multa [illegible] [illegible] consultus [illegible] [illegible] sit testibus fides adhibenda in l. [illegible] [illegible] admonere [illegible] [illegible] esse [illegible] iudices [illegible] producere, unde [illegible] suis [illegible]

[illegible] tomo [illegible] [illegible] pecunias [illegible] [illegible] potest [illegible] [illegible] pecunias [illegible] [illegible] pontonus [illegible] [illegible] assignavit, quo ipse posset [illegible] [illegible] fuit, et postea [illegible] tamen [illegible] concedit [illegible]

[illegible] pecunias [illegible] confirmatur [illegible] inter ceteros testis [illegible] et [illegible]

[illegible]

... forte debuit, et illud solum forsitan ...

[illegible]

... modo dicemus ... subornatum ...

... nec ... suo loco ... et ...

[illegible]

... in ... orat. tomo ...

... examinatus nemo ...

... fatend.

[illegible]

[illegible] ex dedisse credendus non est. preterea, et sic [illegible] ponderande sunt ista [illegible] in dicto pontificis contente, oltra li danari, di tanser gustidi [illegible]
[illegible] maiora summa [illegible] ne divinus [illegible] [illegible]
[illegible] posuit a [illegible]
[illegible] negociorum gestoris est bone fidei, in qua veniunt usure sint sponte, sive [illegible] necess[illegible]
[illegible] supra [illegible] Bar. [illegible] ses.

L. D. V. M.

[illegible] per me [illegible] arbitror [illegible] Flaminii et Rubeis [illegible]. [illegible] minimus salvo [illegible] uniuscuiusque melius sentientis, ideo me subscripsi in fidem

Visis suprascriptis doctissimis allegationibus Ex.mi Doctoris Dni Flaminij et Rubeis, mihi utriusque iuris [illegible] iuridicam censeo principalem conclusionem in casu tali confirmata ex iuribus et rationibus per eum luculentissime adductis ideo ad subscribendum requisitus, libenter manu propria subscripsi Ego Julius [illegible] Sbroiavacca I. Utr. Doc. Aliorum saniori sententia semper salva.

70[m]

[illegible] Sententia Vna cu [illegible] [illegible]
Doctoribus misi [illegible] fratris Don. [illegible] [illegible]
[illegible] Jacobo Samos [illegible].

Pro : D. [illegible]

[illegible]
[illegible]
[illegible]
[illegible]

[illegible]

Q ...

... dubia ...

... apparmant, ut Soci. cõs. 9. col. 2. ... in cons. 180 ...

Alcia. in l. si certis annis. nº 95. ...

... causa alimentorum fauorabiliorem esse quod ...

iest nº 10. Alex. cõs. 7º nº 16. in 3º col. ... cõs. 88. nº 2. in 6º col. Bal.

cõs. 958. nº 10. ... col. Abb. ...

in 2º col. Et ideo iure merito mulier a iure ipsi doti prouid...

sa sunt, inter quae sunt ista ... et sunt ...

iudicij perderetur ... dote agitur, ut probat Amanel. ...

... in seruis perdat, per ...

Jan. cast. in l. i. ff. sol. ma. Item in dotis restitutione si mulier ...

... doti, adiunc actio ex dote non finitur, tex. in

l. si cum dotem. § si mulier ff. eo. sol. ma. In qualitati quoque renuntiatio

... dotis. secundum Jan. cast. cõs. 129. et cõs. ...

... 123. in 4º col. ... quinimo et ...

... dotis non comprehendunt secundum Jas. ...

... glo. ordinaria et approbata in ...

... Tot. quoque et saue facit beneficium senatus ...

ad Velleianum. Similiter prodendam dotem bona ipsius ...

... in ... habet. ...

[illegible] ducatorum inde [illegible] temporalem [illegible]

[illegible] dotis indicari [illegible]

[illegible] die xi martij [illegible] xcitt. ll. dec. [illegible]

[illegible]

Quod probatur, quia solutio semper in dubio fieri debet facta [illegible] diminutione debitoris, [illegible] spectant [illegible] in quibus [illegible] [illegible] l. i. C. de solut. [illegible] magis [illegible].

Et tanto magis, quia nulla alia est causa [illegible] similiter credendi [illegible]

[illegible] ex gravaminis [illegible] in causa dotis, et ut se liberaret [illegible] debito [illegible]

[illegible] actus exsecutionis obligationis [illegible] separationem C. loca. [illegible] 2° [illegible] et creditori solutum [illegible] [illegible] l. solutio [illegible] solutum [illegible] [illegible] in [illegible] solutione facta fuit [illegible]

[illegible]

[illegible] adduc. ex alio excepto [illegible]

[illegible] ony, ut in l. iij. C. de dot. cauend. [illegible] sed hodie [illegible] contraria [illegible] in matrimonii durare ultra [illegible] sed minus [illegible] [illegible] a die [illegible] matrimonii [illegible]

[illegible] ex [illegible]

[illegible] ex. no. [illegible] accedit [illegible] communi [illegible] ad quod uide dnm Corn. cons. 284. [illegible] in 4°. uol. [illegible] sed [illegible] matrimonii [illegible]

[illegible] in die. 21. martij 1505. ut liquet ex [illegible] [illegible] in [illegible]

[illegible] ex [illegible]

[illegible] habuerunt de exceptione [illegible] [illegible] quod [illegible]

[illegible] in [illegible] fol. 10. [illegible] Item nullo modo exercitio [illegible]

[illegible] in [illegible] allegaui. 27. octobris 1508. [illegible]

[illegible] ex [illegible]

[illegible] l. [illegible]

[illegible] de consilio [illegible] 26. [illegible]

[illegible] non [illegible] l. in [illegible]

[illegible] supra [illegible] fuit. [illegible] quia [illegible] aliquem [illegible]

[illegible] exceptio [illegible] l. [illegible] C. [illegible]

[illegible] ex [illegible]

[illegible] fuit, [illegible] nullo pacto talis exceptio [illegible] [illegible]

[illegible] casus in quibus [illegible]

[illegible] sibi praeiudicat. [illegible]

[illegible]

[illegible] ex [illegible]

[illegible]

[illegible]

tem vero quod hic [illegible] in hoc [illegible]

[illegible] in pauis [illegible]

[illegible] dicendum est quod [illegible]

[illegible] in auc. sed quia nihil [illegible] mulier quae nihil soluit [illegible] dote [illegible]

[illegible] dote locum habere in dote [illegible]

[illegible] iuris obliga. [illegible]

in rub. ff. sol. ma. n°. 23. 24. [illegible] 25 [illegible]

[illegible]

[illegible] ubi sal. C. de iure [illegible] quod dos constituta sine traditione [illegible]

[illegible]

[illegible] in mora [illegible] qui calendis. ff. de iuris obliga. [illegible]

[illegible] termini soluendae dotis [illegible]

[illegible] materia [illegible]

[illegible] ut Guid. [illegible] 565. [illegible] 430. [illegible]

[illegible]

[illegible]

... Regulas ... et ...

[illegible]

... loci ... [illegible]

... in 4°. vol. ... [illegible]

... in ... ducis ... [illegible]

... [illegible] ... plures dicunt ... ipsa ... [illegible]

... nullo modo ... [illegible]

... in mergaco. 27. octobs 1567. ... [illegible]

... illa exi... ... [illegible]

... [illegible]

... exercitio militare ... [illegible]

... [illegible]

... numerus ... in ... [illegible]

... [illegible]

dubitari uidetur an ...

... et in hoc ...

uxor in paruis dotalibus illa extrahatur. Solu(m) ...

... Sed qui nihil ...

... mulier ... nihil soluit ...

... obliga- Sed ... | 160

... 1° 23. 4. et 25. ...

... fuit ...

... memoria ...

... qui calendis ... obliga-

... erat habitu fidei et dotis sic

dotalibus ...

[illegible]

[illegible] Ad illu [illegible]

[illegible] cordi [illegible]

[illegible] adducio [illegible] quia [illegible]

[illegible] contraria omnia [illegible]

[illegible] quod [illegible]

[illegible] iudex ad [illegible]

[illegible] Sed adhuc [illegible]

[illegible] dicitur [illegible] nulla [illegible]

[illegible] facta fuit ad [illegible] circa [illegible] sed [illegible]

[illegible] mulier [illegible]

[illegible]

[illegible]

Ut si dicit illud, quod [illegible] loco ff. [illegible]

[illegible]

[illegible] verbis [illegible] sustineatur [illegible]

[illegible] verba sed sensu [illegible] exemplis [illegible]

[illegible]

[illegible] quod [illegible] ratio [illegible] quod [illegible]

[illegible]

[illegible] ad [illegible] mens [illegible]

[illegible] aut consuetudo, quod [illegible]

[illegible] hec [illegible] modo [illegible]

[illegible] hoc mala sibi [illegible]

10. Alexander [illegible] contra [illegible] adversarius

[illegible] consuetudini [illegible]

ad sui [illegible]

[illegible] rationis [illegible]

[illegible]

In locis [illegible] consuetudo [illegible] statuta

[illegible] nulla est differentia [illegible] consuetudine non [illegible] ex [illegible]

[illegible]

[illegible] corrigendi [illegible] glo[ssa] [illegible]

[illegible] consuetudine [illegible]

[illegible] consuetudine [illegible]

[illegible]

[illegible]

[illegible] quippe primo [illegible] intelligit [illegible] aliter [illegible]

[illegible] Praeterea quoque [illegible] libellum [illegible]

[illegible]

[illegible] equitatem [illegible] multa [illegible]

sunt dissimilia ad [illegible] articulis [illegible]

[illegible] Sed nunc [illegible] quod [illegible]

[illegible]

[illegible] sicut dictum [illegible]

[illegible] uxorem premoriente [illegible] maiorem [illegible]

[illegible] quod [illegible] uxor [illegible]

[illegible] maximi maioris [illegible]

[illegible] submissa [illegible]

[illegible]

[illegible] lucra [illegible]

[illegible] dotis [illegible]

[illegible] nomine [illegible]

[illegible] omnino equalem [illegible] equalitatis [illegible] Rom.

[illegible]

[illegible] in locis [illegible] dotis [illegible] et nomine [illegible]

[illegible] lucra sint equalia [illegible] dixit [illegible]

[illegible] tria milia dotis nomine [illegible] premoriente [illegible]

[illegible] duo milia [illegible]

[illegible] simile [illegible]

[illegible] uxor premoriente [illegible] duo milia [illegible]

[illegible] non servaret [illegible] equalitas [illegible]

[illegible] ad equalitatem [illegible]

[illegible] col. 4 [illegible]

[illegible] Sic ergo [illegible]

[illegible] casu [illegible]

[illegible] 58. [illegible] dotis [illegible] 83. [illegible]

Sed [illegible] Alia difficultas [illegible] quod in [illegible]

[illegible] librum [illegible]

[illegible]

[illegible]

[illegible]

[illegible] loco [illegible]

[illegible]

[illegible]

[illegible] Corn. cons. 176 n°. 17. [illegible]

n°. [illegible] col. 2. [illegible]

[illegible] casu [illegible]

[illegible] donationem [illegible] alienand[illegible] [illegible] 16.

[illegible] quibus [illegible] gratia, qui ponit casus [illegible]

[illegible] [illegible] 17. [illegible]

[illegible]

[illegible] [illegible] Corn. cons. 151. n. 23.

[illegible] traditum [illegible] cons. 327. n. 2. [illegible]

[illegible] mulierem [illegible] bona [illegible] [illegible],

[illegible]

[illegible]

[illegible] iam [illegible] dubio [illegible]

[illegible]

[illegible] [illegible] dicere aut. [illegible]

[illegible] in matrimonio [illegible]

[illegible] cons. [illegible]

[illegible] dixit [illegible] 222. n. 2. [illegible]

[illegible] qua dos bona [illegible]

[illegible] illa [illegible] mulieri [illegible]

[illegible] in [illegible] aliorum

[illegible] in d. cons. 222. [illegible] dos monialis

[illegible] [illegible] habere dos [illegible]

[illegible] quia matrimonium spi-

rituale [illegible] matrimonio carnale.

[illegible] officium [illegible] feminae [illegible] tradit Capr.

cons. 29. n. 4. [illegible] in casu [illegible]

[illegible]

[illegible]

[illegible] bona [illegible]

[illegible]

[illegible] dotis [illegible]

[illegible] filius, id [illegible]

ad [illegible] quod [illegible]

[illegible]

[illegible]

[illegible] causa [illegible]

[illegible] Bar. Bal. [illegible]

[illegible] si [illegible] aliter ff. de [illegible] oblig. [illegible]

[illegible] secundum [illegible] mulieris [illegible] emptionis [illegible]

[illegible] liberam esse [illegible]

[illegible] alienabile [illegible]

[illegible] ff. de [illegible] filius fa. [illegible]

[illegible]

fortificat [illegible] Tertia [illegible] Monachia adhuc [illegible]

[illegible]

[illegible] facienda [illegible] fuit [illegible]

[illegible]

58 [illegible]

[illegible]

Ideo tenetur interesse. per tex. in l. si marito. § pe. ultimo. ff. sol. ma. [illegible] casus de similis restitutioni ute in l. uni. § in exactione. C. de rei uxo. actio ubi ait tex. quod dotis restitutio intra annum est facienda si in mo[illegible] sistat, et si consistat in immobilibus, restitui dos debet statim [illegible] otis, seu interesse a tempore more debetur. Restat itaque concludendum, ne [illegible] D. Tertia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sed, et si requiret, [illegible] ab eo dispiciat, et mali tractet, ut ait tex. in l. [illegible] ad uelleia. quod declarandum est bene iudicatum in [illegible] [illegible] [illegible] et in aliis male iudicatum et sic [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] duc. 58. et [illegible] Sbadore duc. 83. et 3. anno ac [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] interesse [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

Et ita dico salua semper [illegible] consulendo ego Aeclius [illegible] iuris [illegible] [illegible] ego flam[illegible] [illegible] iuris. Venetiis minimus, saluo semper saniori iudicio in actis rei [illegible] [illegible]

[illegible]

[illegible] in quo apparet [illegible] intervenisse [illegible] dotis [illegible] fuisse remissarie.

[illegible] fuit [illegible] donatio [illegible]

[illegible]

[illegible] ad restitutionem esse casus l. ii. C. sol. ma. Sed [illegible] decisioni objicitur

[illegible]

obstat legatum factum [illegible] § 9. & Angelus frater [illegible]

[illegible] videt [illegible]

[illegible]

[illegible] § et [illegible] l. ij. § et [illegible]

[illegible] magis

[illegible] odiosa, [illegible] stricte interpretanda, ne legatum [illegible] creatur [illegible]

[illegible] co. tit. l. [illegible]

[illegible]

[illegible] l. unica ex [illegible]

[illegible]
[illegible] in p° dubio [illegible] col. [illegible]
[illegible]
[illegible]
[illegible] d. 18 n° 1. & d. 203 ni fi. in p° col. [illegible] d. 00 n° 6 [illegible]
[illegible] d. 80 [illegible] in p° col. [illegible]
[illegible] d. 92 [illegible] col. [illegible]
[illegible]
[illegible] opinionem [illegible]
[illegible] d. 80 [illegible]
[illegible] ut legatu[m] p[ro] dote [illegible]
[illegible] donationem [illegible] Coadiuuat [illegible]
[illegible]
[illegible] semp[er] sortit in co[m]munione bonor[um] cu[m] [illegible] & Angelo [illegible]
[illegible] inferri [illegible] & Angelus [illegible] potuerit legare [illegible]
[illegible] usumfructum [illegible] part[is] sua[e] [illegible] quod habebat in
[illegible] minus quod stante co[m]munione p[re]sumat affectio [illegible] testatoris in [illegible]
[illegible] tua volucrit [illegible] gravari, p[ro] [illegible] potuerit, [illegible]
[illegible] p[ro] dote [illegible] heredis cu[m] eo indiuisi intelligat legasse [illegible]
[illegible]
[illegible] in parte sua [illegible] adiunsse p[re]sumatur [illegible]
[illegible] tex. in l. [illegible]
[illegible] & aliis [illegible]
[illegible] ne dispensari posse [illegible], siquidem uerba legati facti [illegible] & Angelu[m] [illegible]
[illegible] p[ro] dote [illegible], [illegible]
[illegible] ionis legati corruit, quonia[m] [illegible] ad [illegible]
[illegible] one legati dotis [illegible] posse, sed quod [illegible]
[illegible] uerba legati [illegible] dicu[n]t, nec ex dictis uerbis [illegible] inferri [illegible]
[illegible] donatio [illegible]
[illegible] uerba sint in [illegible] suo significatu accipienda [illegible] tex. in
[illegible] gl. & Bar. [illegible] l. liberor[um]. § quod tamen [illegible]
[illegible] in uerbis. ff. de leg. 3° nec ullo modo sint [illegible]
[illegible]
[illegible]
[illegible] coadiuuat [illegible]
[illegible] d. 02. ad fi. [illegible]
[illegible] dote sec[us] sicut [illegible]
[illegible]
[illegible] expressa ad [illegible], & donat [illegible]
[illegible] nulla est [illegible] mentio. Sed licet [illegible]
[illegible]

rus quod si in casu nro cedemus

contradotē, ℓ donatione morgincapiōe, sequeret quod inducta

muliern ℓ torqueri in odiū ...

ℓ° sum. ℓ vra. in. 6.° ...

... diversiū in contradote, ...

... mulier que privilegiat ...

... tacitā habentibus hypothecā praferatur ...

... ut in l. fi. C. qui pot. in pign. hab. ...

... obit. ... in diriminis

loc. sequitur, habemus quod dos est quod a mulier vel eius ...

eius patri tradit vel ... habeatur ... matrimonii ...

diffinitio cū nō conveniat donationi morgincapiōe, ... contra

quod ... dispositio convenire ...

quod a ... arbor nō est ...

... dime ...

... titio ... ff. de. eddi. ...

... nauem ...

... in l. fi. C. de his qui ven. aeta. impe. ...

... civiliter, ...

... dote ... contradote, ...

... arbor ... facias doctrina Bar. in l. cum

... adu. coll. ... dixit ...

et quod ipse nō dixit ... dictū ...

... ff. ... in dubio ...

... dicti aristot. i. ethic. quod ignorantissiant ...

... sunt signa ... animi ...

... ut dixit ... doctri. christia. lib. 2. cap. ...

... in ecclesiast. cap. 8. ...

... nominis ... sequitur ...

... d noc ...

... regula.

... iniquitas ex verbis ... excusar. ... nō ... nisi ex verbo ...

... itinerarii ...

... dimisso ... Si in eius fauorem ...
... fuit eomodo legatarius, et ff merita, vel affe...
... ut dixit Corn. cos. 173. n°. 2. in 4°. vol. 4.
... n. 2°. ... ait legata ... ad soluere ...
... aut merita ...
... ut dixit
... Corn. cs. 307. n°. 1. et cos. 143. n°. 6. vol. 3. quod et alij doc. ...
... Corn. ...
... legatario consanguineo, quam affini praeferri: in quo casu ...
... vera erat affinis testatori, et insciente heres ...
... quia in dubio ... heredis est electio in ...
... ex toto. § si ita legatum n°. 8. ...
... titio stichus. n°. 7. ff. de leg. 1. l. plane. § si
... possibile, et potius ... heredis, ...
... heres non est filius, sed extraneus,
... maxime quia ... in legata ...
... usucapi. Corn. in cos. 31. n°. 12. vol. 2.
... 44. n°. 54. ... benemeritus, et dilectus, et honoratus
...
... in legatis ... glo. in l.
... glo. in l. si quis rem. § idem iulianus. ff. de leg. ...
... in l. qui se patris. n°. 58. C. unde lib. ...
...
... Cernon. ...
... haec sunt in tract. de success. progress. lib. 3. § 27. sub n°. 26.
... Sed tamen adhuc ... circa ...
... legatario ...
...

[illegible] clara legati [illegible] contradicto, aut glosa [illegible]
[illegible] non est [illegible] Et quod dicit [illegible]
[illegible]
[illegible] in quo proprietas verbi [illegible] dote [illegible]
[illegible] donationi [illegible]
legatis [illegible]
[illegible] in altera col. dicens [illegible]
[illegible] materie odiose, que stricte sunt interpretande. Sic tamen [illegible]
[illegible]
[illegible] in tit. [illegible]
no. an. [illegible] cum leg. [illegible]
[illegible] dicitur [illegible]
[illegible] sed nos sumus in casu inverso [illegible]
[illegible] verba illa pro dote [illegible] subintellecta [illegible]
[illegible] afferre non presumimus [illegible]
[illegible] in dubio concludendum esse [illegible]
[illegible]
[illegible] uxori in solatium [illegible]
[illegible]
[illegible] donabat sponsa [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] condere ad obiectum et communionem [illegible]
[illegible] fructus societatis communionis bonorum et quod intelligatur [illegible]
[illegible]
[illegible] divisionem in processu [illegible]
[illegible]
[illegible]
[illegible]
[illegible] testamenti [illegible] eodem anno sub die 7 octobris [illegible] Tobie medici
[illegible]

[illegible] sed oporte[illegible] [illegible]

[illegible]

4º uol. [illegible]

Sed dato [illegible] quod hac [illegible] quidem [illegible]

[illegible] quoniam [illegible]

[illegible] Vide [illegible] dotis [illegible] et donationi [illegible]

[illegible] mante. [illegible]

Vide [illegible] quod legata [illegible] animo [illegible]

[illegible]

[illegible] animo [illegible] quamdoquidem

[illegible] donationis [illegible]

[illegible] solemnium [illegible]

[illegible] uoluntate hominis [illegible]

lega in animo [illegible] mariti [illegible]

[illegible] Jac. [illegible] in dict. [illegible] nº [illegible]

[illegible] doc. [illegible] huiusmodi [illegible]

[illegible] 8. 9. 10 [illegible]

[illegible]

[illegible] animo [illegible]

[illegible] 8 [illegible] col. [illegible]

[illegible] 230 [illegible] nº 2 [illegible]

[illegible] 288 col. [illegible] 316 [illegible]

[illegible] 354 nº 2 [illegible] col. [illegible] 58 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

ex [illegible]

sed [illegible] et habere [illegible]

[illegible] dona[illegible]

tionis [illegible] de [illegible] patre testatoris. [illegible] regula [illegible]

[illegible]

[illegible]

[illegible] pot. disponere [illegible]

[illegible]

[illegible] Corn. in [illegible] 84 nº 8 in 2º col. [illegible] nº 1 [illegible] col. [illegible]

[illegible] Capr. in [illegible] 146 [illegible]

[illegible]

crescim[en]t[um] ad modo respectu capitalis dotis, sed d[omi]ni contradoris, quia hac excep[tio] [illegible] ad d[omi]n[u]m [illegible] Jo. Jac.o qui tenet [illegible] Asinitti & Angeli [illegible] eo [illegible] [illegible] quia [illegible] & [illegible] [illegible] [illegible] [illegible] [illegible] in se [illegible] [illegible] [illegible] Jo. Jac.m [illegible] [illegible] [illegible] [illegible] totu[m] substantia[m] sed [illegible], [illegible] alteri [illegible] ex [illegible]. Nec [illegible] [illegible] tenetum [illegible] assertu[m] [illegible] tionem [illegible] Jo. Jac. sed [illegible] [illegible] [illegible] [illegible] [illegible] nomine legati [illegible] Angeli, [illegible] contradicenti ac donatione [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] indicari [illegible] si casus occurrerit ita indicarem. L. D.

Flaminius de Rubeis iur. [illegible]
[illegible] minimus.

[illegible] indicandum [illegible]
[illegible] per dicit in [illegible] [illegible]
[illegible]
[illegible]
[illegible] lectione cum [illegible] legimus.
[illegible]
[illegible]
[illegible]
[illegible]

Causa Sebastiani de Boltrino et Castiliono [illegible]
mihi visa est, quod cum aequis iuris allegationibus facile expediri [illegible]
didi, praecipue ab integerrimo et humanissimo iurisconsulto, aliena [illegible]
[illegible] tex. [illegible] Angeli [illegible]
Verum ut ipsi Sebastiano mors [illegible] quaecumque [illegible]
[illegible] adducam [illegible] tex. in l. [illegible]
[illegible] l. ff. de [illegible] excomunicavit itaque [illegible]
[illegible]
[illegible] ducem [illegible]
[illegible] et iure [illegible]
[illegible]
[illegible] excomunicare [illegible]
[illegible]
[illegible] singularis successor [illegible]
sed excomunicare posse [illegible] tex. in l. emptorem. C. loca. [illegible]
[illegible] cum alijs sim. quamplurimis, ac in l. [illegible]
[illegible]
l. [illegible] tit. Nec obstat quod [illegible]
[illegible] a Boltrino, quoniam satis a Boltrino adduxerunt [illegible] locatoris successio [illegible] vulgaria, et cum titulo singulari [illegible]
[illegible] non tenetur stare locato, et quod ideo non excomunicavit [illegible]
[illegible]
[illegible] in l. [illegible] C. loca. quod
[illegible] tex. [illegible]
[illegible] manda. [illegible] Nec obstat quod et singularis successor [illegible]
[illegible] locato [illegible] obligatos
[illegible] locari [illegible]
[illegible]
[illegible]
[illegible] ut notat tex. in l. posthumo [illegible]
[illegible]
[illegible] tex. in l. si filiofamilias. §. si [illegible]
ff. sol. ma. [illegible]
obligatione [illegible] non tenetur
[illegible] singularis [illegible]
[illegible]
[illegible]
[illegible] tex. in l. [illegible] ff. loca. [illegible]
[illegible]
[illegible] habitationem, [illegible]
Similiter tex. in l. [illegible] ff. loca. ait quod si mihi [illegible]

[illegible] ritio, qui non uult stare locato, agit, non contra titium, sed contra [illegible] ad [illegible]. Ad idem tex. in [illegible] [illegible]

[illegible] quod si emptor [illegible] nolit permittere [illegible] finire tempus locationis, contra [illegible] agit ad interesse, non contra emptorem. [illegible]

[illegible] adversarii [illegible]

[illegible] cautelosa ex [illegible] particulariter, et sigillatim subvertenda [illegible], quo nullus latitandi locus [illegible] locationem [illegible] finitam quod nihil [illegible] At plus dicit [illegible] locationis [illegible] 1500 [illegible] ex [illegible] locationis [illegible] Capriniano [illegible] Dnico [illegible] 1500. xi. aprilis. et hanc locationem [illegible] eam finitam die xi. aprilis [illegible] tempus, ut dicit [illegible] 1506. [illegible] dicta locationes expirarunt, quo fit, ut nullo iure [illegible]

[illegible] locatio [illegible] nulla ex [illegible]

[illegible] tamen [illegible] non [illegible] autoritates [illegible] falsa [illegible]

[illegible] Dum itaque [illegible] autoritates [illegible] ponitur, quod [illegible] ad beneficium particularium [illegible] fieri [illegible]

[illegible] quatenus hanc non [illegible] Capriniano, fuit [illegible] iure communi [illegible] tex. [illegible]

[illegible] omnia mea [illegible] facillime [illegible] dubium [illegible] 1505. [illegible]

[illegible]

ac ... is cui sententia displicere appellare ... infringi non potest ... amplius ... sub ...

... nec principis ... possit alienari ...

... disputatio in ... fieri potuerit, quam fieri posse ...

... alia sententia ...

... est in commissionibus ...

... is cui quod non est ... cuius sententia ...

... Etenim ...

... fieri possit ... indice ...

... fieri potuit, fieri ... irrevocabiliter. Venio nunc ad causam ...

[illegible]

interpretari [illegible] cum dicto... [illegible] fugit causa cognita, et in [illegible]
a iudice [illegible] ditu [illegible] LX [illegible] mentem [illegible]
ac [illegible] in [illegible] modo [illegible] exierit [illegible]
[illegible] iustitia [illegible] quos in bono iudice requiri
[illegible] ex [illegible] non opus est cavillari.
[illegible] conditionis [illegible]
[illegible] non fecit [illegible]
[illegible]
[illegible] in [illegible] quod [illegible]
[illegible] fuerit commune [illegible] sicut syndicus communis [illegible]
[illegible]
[illegible] modo [illegible] eodem quod [illegible]
[illegible] communis [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] si considerentur [illegible] in [illegible]
[illegible]
[illegible] ex causa [illegible]
[illegible] opus [illegible] quod [illegible]
[illegible] duo in anno [illegible]
[illegible]
[illegible] hiberno [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex causa [illegible] 25 [illegible]
[illegible] in [illegible]
[illegible] communi fuisse dicta conditione [illegible]
[illegible] quod [illegible]
[illegible]
[illegible] 25 [illegible]
[illegible]

[illegible] inquisitus [illegible]

[illegible]

[illegible] extis suis [illegible]

[illegible] capitulis [illegible]

[illegible]

[illegible] ex [illegible]

[illegible] Vrus [illegible]

[illegible] n. 201 [illegible]

[illegible] ex [illegible] instrument[illegible]

[illegible]

[illegible] faciat [illegible] anno [illegible] in [illegible]
[illegible] maius, et quod [illegible] R.di Canonici
qui [illegible] et religionis christianae [illegible]
[illegible] hominis Communis Castellioni [illegible]
[illegible]
[illegible] annis [illegible]
[illegible]
[illegible] inquisitioni [illegible]
[illegible] primum quod commune [illegible]
[illegible] D. V. [illegible] alienationem
[illegible] fuisse [illegible]
[illegible] omnia [illegible]
[illegible] fienda [illegible] exceptis [illegible]
[illegible]
[illegible] in principio [illegible]
[illegible] factis [illegible] commune [illegible] sebastiano [illegible]
[illegible] quod maior pars [illegible]
[illegible] fuisse [illegible] totum commune
[illegible]
[illegible] D. V. [illegible] fieri [illegible]
[illegible] alienatio [illegible] fuit [illegible]
interpositionis [illegible]
[illegible] D. V. [illegible]
[illegible] utilitate [illegible]
[illegible] D. V. [illegible]
[illegible] causae cognitione [illegible] sequitur [illegible]
[illegible] D. V. [illegible]
[illegible]
[illegible] causae
cognitioni [illegible] interpositio [illegible]
[illegible] expressum [illegible]
[illegible] interpositi [illegible] dixit [illegible]
[illegible]
[illegible] Jas. in c. i. n° 8. et 9. qui [illegible]
[illegible] nouissima. C. [illegible] affirmat [illegible]
[illegible]

spbat medijs diebs quod [illegible] et loli [illegible]
[illegible] fuisse [illegible]
29. baldus. quod ad Alex. dixerat prius in suo cõs. 80. [illegible]
diebs ibi n° 3. sed tãto magis [illegible]
[illegible] in [illegible] [illegible]
[illegible] ad [illegible]
prãd. nuin. et quod excludat [illegible]
prãd. dur. lib. x. ubi Bar. Bal. Ang. et luc. de [illegible] gen. [illegible]
[illegible] cũ dura factum [illegible]
Roma [illegible]
ni. c. cũ [illegible]
32. [illegible] et Soci cõs. 57. [illegible] ni. 4° not. [illegible]
[illegible] ex [illegible] indi. [illegible]
[illegible]
374. in duobus seq. [illegible] cũ iudicio [illegible]
factis [illegible]
[illegible] indi. quia [illegible]
[illegible], uel ex iustitia mãdauerit, ipsis [illegible]
gaia. ff. de [illegible] c. bone [illegible] c. [illegible] restitu. spolia. c. in [illegible]
c. licet [illegible] iudi. c. [illegible] Eccli. cap. 8. ne iudices
[illegible] iudicis, quonia quod [illegible] indicat. [illegible]
[illegible] adlim [illegible]
uel successore [illegible] aducta, quia stat sĩntia [illegible]
pagel. 259. nũ. 2° [illegible] tomo. Male iudicauit. at [illegible]
at potuit. § Per hac itaq; satis uidet [illegible]
[illegible] interponi [illegible] iudici [illegible]
cius [illegible] subiores [illegible]
[illegible] firmior [illegible] fundamentũ [illegible] practicat, quod omissis [illegible]
dus [illegible] ad excell. cõsiliis d. xl. [illegible]. Palsu
[illegible] quia imo [illegible]
[illegible] poss. primaris secundis,
et nõ hac. sed prior [illegible] fuit, [illegible] nõ servat
secundis. [illegible] aut [illegible] nõ obstat, quia [illegible]
[illegible]
[illegible] prior [illegible]
[illegible]
[illegible] hoc [illegible]
[illegible] ultra quod stabilibus [illegible] in [illegible] prior cognitus,
fuisset [illegible]
[illegible] decedit; imo [illegible]

[illegible] prudentes [illegible] dicti [illegible] sine contro-
[illegible] molendinum restituere. [illegible] uidiamus [illegible] qui unum
[illegible] ex quo [illegible] ut sic [illegible]
[illegible] ocasionis merito Sebastiano emptori [illegible]
[illegible] ad estimationem [illegible] sunt [illegible] [illegible]
[illegible] l. adducentis. [illegible] et [illegible] [illegible]
si quis [illegible] ff. de acqui. poss. [illegible] qui ne [illegible] possessio [illegible]
[illegible] affirmative [illegible] colonum in iudicio contradictio fiat [illegible]
[illegible] col. et [illegible]
[illegible] referre [illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible] indicia [illegible]
[illegible] indicari [illegible]

Flaminius de Rubeis i. u. doc.
[illegible] minimus.

[illegible] 1571 [illegible]

Videtur mihi quod [illegible] Bernardina [illegible] Martini Beliati de Venetiis foveat
iustam causam [illegible] in actione [illegible] mota co-
ntra magistrum Baptistam billibarium de Spilimbergo, sive contra Commissarios
[illegible] S. Crucis et Baptistae, qui [illegible] iudicium susceperunt. Nam ex [illegible]
[illegible] primum ex [illegible] Zoannis maria [illegible] Venetiis [illegible]
[illegible] fol. 12. ac ex instrumento pactorum dotalium ab ex[illegible] exhibito in
[illegible] clarissime [illegible] dictam D. Bernardinam fuisse [illegible]
[illegible] Vidoni [illegible] quamvis in diversis causis contra plures ac di-
versos [illegible] obtinuisse sententias ad sui favorem [illegible] suis [illegible]
[illegible] relaxandi bona [illegible] occupata [illegible]
[illegible] dictam D. Bernardinam obtenta [illegible] ab ex[illegible] exhibita.
Licet insuper ex [illegible] mandato [illegible] natione [illegible]
fol. 12. t°. 13. et 14. [illegible] quarta parte, [illegible]
[illegible] fuisse in bonis [illegible] Jo[annis] [illegible] esset in [illegible]
[illegible] mortis eius, [illegible] in executione mandati
[illegible] in [illegible] bona [illegible]
natione [illegible], et in [illegible] quarta [illegible] fuisse [illegible]
[illegible] Vidona [illegible] bona eius mortis [illegible]
[illegible] sufficientius [illegible] dicitur [illegible] in [illegible], in qui-
[illegible] fama [illegible] tamen [illegible]
[illegible] mand. [illegible] cons. [illegible]
n°. [illegible] vol. [illegible] in C. [illegible] ex [illegible]
[illegible] qui [illegible]
[illegible] magis [illegible]
[illegible] quae
in [illegible] Bal. in auth. [illegible] Sen.
[illegible] nihil [illegible]
[illegible] ad quod [illegible]
[illegible] Bal. in cons. 73. in [illegible] vol. et cons. 475. [illegible] vol. [illegible] Jo[annes]
Candidus [illegible]
[illegible] Rich. [illegible] 85. n°. 7. [illegible] mars. in l.
[illegible] minore [illegible] n°. [illegible] 63. [illegible] Corn.
cons. 304. n° 5. vol. [illegible] cons. [illegible] n°. 5. vol. 2° [illegible] cons. 48. n° [illegible]
vol. 4°. et cons. 221. n°. 1. vol. [illegible]
[illegible]
[illegible] col. 6. et [illegible] 7. [illegible]
[illegible] in l. [illegible] soci. in no. 181 [illegible] cons. 47.

n°. 2. [illegible] ds. 103. [illegible] pri. n°. [illegible] ds. 12. in. 1° [illegible] ds. 20. et ds. 83. [illegible] in. 3° col. et ds. 20. col. 5. [illegible] ds. 25. et ds. 117. in. 4° [illegible] in. [illegible] n°. 3. [illegible] [illegible] in [illegible] n°. 4. [illegible] Dei [illegible] [illegible] [illegible] in cons. 42. n° 8. 9. et 10. col. [illegible] in [illegible] [illegible] alij multi passim hoc dicunt [illegible] [illegible] [illegible] antiquam [illegible] turbis [illegible] et inter alios [illegible] [illegible] [illegible] [illegible] fama [illegible] [illegible] hominum [illegible] memoriam [illegible] memoria hominum excedit [illegible] si [illegible] annos [illegible] [illegible] [illegible] dixit Ant. [illegible] [illegible] [illegible] [illegible] quod dicit doc. [illegible] [illegible] et [illegible] Cum itaque simus in [illegible] [illegible] [illegible] [illegible] Brardino [illegible] [illegible] 1511 et in [illegible] [illegible] [illegible] admittenda [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hora mortis [illegible] [illegible] fuit [illegible] [illegible] [illegible] [illegible] [illegible] ab [illegible] [illegible] in possessionem bonorum [illegible] possidebat [illegible] [illegible] hora mortis [illegible] no. in l. [illegible] [illegible] [illegible] [illegible] [illegible] Brardina [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fol. 15. in [illegible] et inter [illegible] [illegible] obtinuerunt [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nihilominus [illegible] [illegible] [illegible] [illegible] post [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] n° 150. [illegible]

[illegible] [illegible] [illegible] [illegible] opponit [illegible] quia [illegible] Vincentius [illegible] [illegible] solus [illegible] [illegible] tantummodo partis [illegible] [illegible] [illegible] [illegible] Brardino [illegible] [illegible] [illegible] [illegible] [illegible] assent. [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in ius [illegible] quaedam Anna [illegible] [illegible] Maria olim [illegible] [illegible] iudicium [illegible] [illegible] [illegible] [illegible] [illegible] Guidonis [illegible] [illegible] in [illegible] parte, in qua [illegible] 1511 sub die 10. Martij [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 1507 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Guidonis [illegible] quia [illegible] [illegible] [illegible] [illegible] non habuit

effectus sicuti ipsi mox camerarii passi sunt producere ...
sui morte, unde ipsa si eius ... instrumentum non renuat. Non obstat
itidem testamentum et ... quia ... Guidonus non potuit in Guidi...
... vel eius negotiis ... ... dimidia ...
ipsi ... ex personarum ... Bernardinus eius ... et filii dei ...
Guidoni ... ...
... in alium ... facta ... Et nullus facit
... ...
... ... corrupt. aut, quod ...
in ... Guidicium non infert, si non ... ...
... ... dicit ... alio alienum ...
non addicant possessionem similiter si ... filii ... sed
... si ... dona ... ...
data ... quod ... communione ... ... alienare
... obligare, sed partem socii non potest. sic ... donandam
... ...
obligare ... ...
sed ne multa dicendo ... alter ex alterius facto
praegnanti non ... ... tertio non Guidicare ...
... ... quoque dictum testamentum quia introducitur a camerariis,
quia nullo modo possit illo testamento iuvari, cum sit ius tertii, quod
... non ... ... quod anna in ius vocata ...
sic ... ...
Alia quoque ... non obstat dictum testamentum quia ... habet ... ... nunc
dicta Anna aut eius mater Maria, aut avia ... si modo ...
Anna ... quod non admittit, nec ... exstitit, nunquam ... ...
... ... salvo testamento ...
quia ... facto fuit caducum ... ...
... in iure suo. Sed fortius instatur, quod ... dicta ...
aut Maria, vel Anna dicendum ... illo ... tempore
... aut possedisse ... nunquam, nec ... nec pos-
siderunt ... Bernardinus Guiate ... ...
siquidem iure optimo ... est, ... possessionem ... ...
... ... hora mortis eius, sicut ...
... ... Alex. ... ...
... alba in ... ...
... in iure ... hereditatem solo animo adiri posse, sine ... quia ...
... ... hered. ... ...

si aiia. C. de iur. delib. ad quod etiam est tex. in l. genit. in X° qui animo agno: in successionem. ff. de acqui. hered. cum sim. unde his adeundo hereditatem acquirit dominium rerum hereditariarum etiam si possessionem earum non apprehendat quas non eadem possidere dicatur ut tex. in l. si sorori. C. de iur. delib. sicut etiam eidem possessionem solo animo retinere, ut ait tex. in l. licet. ff. de acqui. ~~hered.~~ pos. et tradit Bar. in l. sicut possidetis. C. de pign. ubi quoque ait sine animo non amitti possessionem ut tex. in l. iij. §. in amittenda. ff. de acqui. pos. ex quo sequitur quod cum q. ~~~~ ipsis videmus et post mortis possederit tempore contractus similiter, et d. Bernardina heres eius ut quarta in eadem possessione intelligatur continuasse, eamque retinuisse, et retinere animo, nec potuisse privari, et spoliari de iure, spoliatusque in primis, et ante omnia restituendus fore. l. imminentem. C. unde vi. c. saepe. de resti. spolia. c. reintegranda 3. q. i. cum sim. innumeris congestis per And. Barba. in cons. 4. in 3° vol. et si cum iudicis autoritate spoliatus fore, quia si iudex ordine non servato processisset, ut ait Dec. in l. fi. col. xi. n° 35. C. de edic. div. hadri. toll. ubi multa similia no. adducit. et sequitur cumulatissime per. d. Immi. ten. in decis. Rot. Bonon. 93. et propterea mali, et iniusti possidet dicti Camerarij Battaglia sive m.r Bap.ta Pellizzarius ut quo ipsi iudicandi fuerint ~~cedat ad premisso~~ cum duo non possint eadem rem eodem tempore in solidum possidere ut tex. in l. i. §. ex contrario. ff. de acqui. poss. in l. si ut certo. §. si duobus vehiculum. ff. commo. in c. licet causam. §. ex premissis. cum glo. no. de proba. Confirmatur premissa. nam certi iuris est, quod legatarij et fideicommissarij tenentur petere legata, et fideicommissa de manu heredis et non propria autoritate ea occupare possunt. ut tex. in l. i. et toto tit. ff. quod leg. nisi testator sibi autoritatem concederet specialiter ut propria autoritate capere possint. ut tex. cum glo. in l. titia cum testamento. §. Lucius. ff. de lega. 2° quod et probatur ut tex. in §. i. insti. de lega. dum ait ille tex. diffiniendo legatum quod legatum est donatio quaedam a defuncto relicta et ab herede prestanda. unde propterea dixit tex. in l. [illegible] C. de lega. quod legatarius propria autoritate capiens rem legatam cadit ab omni iure suo. quia leges maxime detestantur, quod quis sibi ius dicat, et autoritate propria, quasi principis sibi arrogando potestatem, rem occupet et apprehendat: videmus etenim in similibus, quod etiam pignus creditor scholari invitanda ~~[illegible]~~ accipere autoritate propria quod tenetur ea reddere. ut tex. et Bar. in l. i. C. ut nemini lic. sin. iud. auc. Similiter autoritate propria gravans creditorem ad solutionem debiti creditor quadruplo condemnatur et actionis electae amissionem, vel ut tex. in auc. sed omnino. et in corpore unde sumitur. C. de ux. ut mari. Videmus itidem quod sigillans autoritate

ꝓpria bona debitoris mortui, quod ut ius crediti, et alijs penis afficitur
ut in auth. ut qui domum. C. de sacrosanctis ecclesiis. Parimodo nemini licet
ꝓpria auctoritate occidere maleficum aut mathematicum, licet ex gravioribus
delictis sit, sed tenetur eum ad iudicem ducere. ut tex. in l. fi. C. de malefi.
et mathema. Hec et a simili quod dixit tex. in l. uni. §. quod si quis.
ff. de suffra. ubi dixit quod si advocatus rem immobilem sibi ꝓmissam ꝓ-
pria occupet auctoritate et nisi ꝓmittenti possessionem restituit, et ius sibi quesitum
ex ꝓmissione fraudetur, quia prius debuit id occupare aut ꝓpria. His
consonat decisio tex. in l. i. dotis actione. C. sol. ma. ubi dicitur, quod
non debet quis auctoritate ꝓpria possessionem ingredi rei sibi restituende, sed actio-
nem sibi competentem intentare, et iudicis auctoritatem adhibere et si dominium ad eum
ipso iure revertatur. Huc spectant et decisio tex. in l. iii. C. de pigno.
act. quo cautum est creditori pignoris possessionem ꝓpria auctoritate capere non posse
sine iudicis decreto aut sine pacto. quod si faciet non pot. creditor, nec pot.
est et legatarius, cum et is dicatur hereditarius creditor. l. hereditarium. ff.
de actio. et oblig. Faciunt et decisioni tex. in l. legis iulie. C. qui bo.
ced. pos. et in l. ii. debito. C. de bon. auct. iud. possid. ubi dicitur, quod si debi-
tor cesserit bonis, non debent creditores ꝓpria auctoritate inter se bona dividere sed
vendere cum iudicis auctoritate subhastare et pretium inter eos ꝓ rata divi-
dere, quod si secus fiat bona ab eis avocari possunt, ut obtinere [illegible]
ideoque iuris est in bonis vacantibus. Nec omitto, quod possessor non dicitur qui le-
giste emerit fundum si ꝓpria auctoritate ingrediatur possessionem, sed predo dicitur,
quia primo requirit quod iuste emerit. 2° quod in possessionem ductus fuerit
quod est valde no. l. si ex stipulatione. in i. et 2. respon. ff. de acquir.
poss. l. nec ex iure. C. eo. tit. et in reg. possessor de reg. iur. in 6°. lib. x.
§°. [illegible] ad quod sunt et verba tex. in l. meminerint. C. unde vi [illegible]
ubi ait dicit quod nemo debet auctoritate ꝓpria nec sine iudicis nec rescripti
principis iuris ordine non servato possessionem ingredi sed debet citare detentores et eos
convenire [illegible] et si sit dominus cadit a iure suo. et tex. in l. fi. C. eo.
ait, quod occupans possessionem alterius et vacantem tenetur eam restituere
sicut tenetur et invasor. tex. vero in l. si quis in tanta. eo. tit. ait quod
si quis possessionem rei sue ꝓpria auctoritate invadit quam tenet a quo alio illam
tenetur restituere et a dominio privatur. quod si res sit aliena, non [illegible]
in estimatione condemnatur. Constat igitur ex premissis quod possessio [illegible]
[illegible]aria, sive ex ꝓsona sua sive ex ꝓsona aliena anima supposita [illegible]
[illegible] est viciosa possessio [illegible] animo recepta est. [illegible]
[illegible] iuri consona [illegible] aliqua exerceret possessio. dicitur, [illegible]
[illegible] ex quo meretur nomen possessionis [illegible] esse nisi iustis;

tiua et minor, et q. d. p. iussu nō pōt. i. aut. C. ubi possi. & in l. i. ff.
si cunt. no. hac erant uerba. Necessario pretor adiuat, ut qui se dolum
uenit in possessionem cogat stadere. Quod aut possessio ex adiuso
pretoris cessat candissima, satis comprehendis ex supradictis, quibus illud addi
potest quod et ex eo clarissima et iniusta primitus, quia uehetior est. Si
possessio. D. Bernardine uidis, ut supra, et no. in dictis & Rot. decis. 4
in nouis, [illegible] in p. 2 tenimento. decis. rot. Bonon. 42. Immo in c. ij in
an. sux uer. et monachos ad fi. [illegible] in nec. resoit. Et his stabilibus praedictis
constat D. Bernardinam esse in casu manifestissima uictoria. Nec ipsa obstat
praescriptio illa stabilibus supradictis, qua in respecto, ne nimis extendar legens,
solum addo stationes has iuris. tex. s. in l. si is contra quem. C. de prae. cusp. log.
temp. ubi dicit iniustum titulum in parte praesumendi conditionem. [illegible] tex. in
l. impensa. C. de acqui. poss. quod in ipsa possessio nō tribuit ius praescribendi. & tex.
in d. l. licet possessio excludit possessionem, qua solo animo retinet solo tempore
poenis cursu nō amitti. & glo. in c. licet causam. de collatione. in § fi. de occupasse,
praescriptionem in occupatis et inuasis nō procedere attestat. faciat, quia sine
possessione praescriptio nō perdit. l. sine possessione. ff. de usucapio. sed posses-
sio nō pōt dici illa qua credidit et aduersarios cum sit uitiosa, ergo nec
ei praescriptio pōt obstare. D. Bernardina, qua possessionem [illegible]
nuit, et retinuit. Praeterea D. Bernardina erat annorum tm decem cum
q. D. Joes Vidonus eius pr. pugnans [illegible] Vercto sub marana occu-
buit ergo sibi nō pōt illa cucurrisse praescriptio cum maxime sit mulier,
et V[illegible] uenerit cum primum nupsit, adeo quod et si tota absiti nō
poterit praescriptio currere. quia nō negligenti praescriptio nō currit. l. contra
maiores. C. de inoffi. testa. et nō dicit praescriptio, nisi [illegible] presc-
ribat, ut in l. 4. C. ut armo prima. et [illegible] mulieri nō currat
praescriptio [illegible] tractat de dote. [illegible]
de praescrip. 30. uel 40. an. de absente uero quod ei praescriptio nō currat
est tex. in l. ij. C. quib. nō obijci. lon. temp. praescrip. Et constant comissa,
quia dicta D. Bernardina illa, quae fuit minor, mulier et absens, fuit
quoque uiro et suo [illegible] agere nō potuit [illegible] sequitur, quod
nō ualenti agere nō currit praescriptio. l. i. in fi. C. de ann. except. In
summa praescriptio est nequam miserorum, et a doctoribus iniquissimum prae-
sidium nuncupari praecipue a Canonistis, ex eo quia est nutrix
peccati. ut dicit Felin. de [illegible] ante n. 27. qui alle. tex.
in §. habeat. in auth. ut [illegible] roma. et in rub. ex. de praescrip. [illegible] n.
de Cuma. cons. [illegible] in fi. 2. col. fulg. cons. 94 [illegible] cons. 84. ad fi. et cons.
108. et cons. 123. Soci. cons. 86. col. [illegible] primo quia in [illegible] cons. 166.

col. 4. co. fi. in 4° uo. ... C. de praescrip. 30. uel. 40. an. dicens facile esse cum indicandum arg. l. cum fundum ff. de lib. ... quod dixit lex in l. sicut ... C. ad l. cor. de fals. quod ueritas et falsitas cursu temporis non mutantur. Soluendo igitur ex supradictis uidetur iudicandum ad fauorem d. Bernardini Beiate non obstantibus oppositis contra camerarios, sicut m.ᵐ Bal.ᵐ pelliparium ad uiae ... condemnandum cum fructibus perceptis uel percipiendis ... lex in l. domo C. de rei uendic. citra tamen aestimationem tractus ab extra exhibito, quae asseritur esse duc. 80. quae ... excedit, et ... [illegible] tantummodo pro duc. 20 quod ... [illegible] quatenus excessit [illegible] uideretur excessit. d. index debebat d. Bernardina facta sibi relaxatione ... camerarijs soluere simul cum capitali duc. 20. pro eos ut dicit, exbursatis ... adeo ut in sorte excessiue ... percepto pro eos ... in omnibus tamen ... d. Bernardino iud.° exactissimo excellentie uestrae se remittit.

Flaminius de Rubeis iur. ut. doc. Utinensis minimus.

[illegible]

[illegible]
[illegible] cuiqu[e] [illegible]
[illegible]
Quel [illegible] [illegible] come [illegible] [illegible]
[illegible]
Haver [illegible] ancora [illegible] [illegible] [illegible] [illegible]

Iure ... optime ... absolute ... liceat ubi actor intentionem non probavit ... cum ... cui dicit probare ... non qui negat ... in l. ij. ... Videndum ... Mag.cus D. Comes Annibal ... comes ... invenio ... discussa, facilius alias iuris difficultates ... nullo fere negotio dissolvi, ut in l. si ex plagis §. in clivo ... Et superfluis omissis disceptationibus, rem breviori bus et paucioribus ... fieri poterit terminando iux. ... oratio ... in hoc versari non ut minus sed ... Comitis intentionem non ... cum ... Brastinum ... rem ... sustineri posse, quam non probaverit ... Petijt Comes annibal suo et ... nomine agens ... Brasinum ... in ... modo ... cuiusdam ... simonis ... notario ... filiis ... in monasterio ... ultimo ... mand. ... Comit. ... heredis ... Alex. in cons. ... col. pe. in 6.° vol. quem refert, et sequitur Iac. mand. ... alba in cons. 6.° nu. 3. in ... col. Si haec probavit ... Comes ... minus ... ut causa cadat, cum de ... quod ... comes annibal et ... sint ex ... 3.m et 4.m ... unde sequitur ... regula quod ... plura sunt probanda ... in l. ...

[illegible] aetro. Sed, ut [illegible] [illegible] [illegible] [illegible] a
[illegible] 3.ª et .2. [illegible] [illegible] adiumoniare ac [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Corone [illegible]
Comitis [illegible] senioris fuisse diuinatur, et libri dicti [illegible] ar-
me, qui .q. Comitis Iani fuisse [illegible]. Omitto, quod ab imperatore
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] exemp[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible], ut [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible]
[illegible] mar. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] quo in loco [illegible] [illegible] [illegible]. Quis hoc [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible], quod [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] hoc [illegible] [illegible]
examinandum censeo, qui hi sint libri, an [illegible] [illegible] [illegible]
[illegible]? Bis [illegible] [illegible] [illegible] libros [illegible] [illegible] et uno
loco in processu [illegible] fuere. P.º [illegible] [illegible] Corone [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible].3. sorgo st.3. [illegible].2. spelte .2. [illegible].2. soldi 12. [illegible] eadem [illegible]
[illegible] [illegible] loco [illegible] [illegible] [illegible] uerba [illegible] [illegible] Franc[illegible]
[illegible].3 [illegible] for. st. 1½ meio st. ii sorgo st. 3 [illegible].3. sp[illegible] [illegible]
.2. soldi. 12. Quae uerba [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] [illegible] [illegible] et .2.ª [illegible] [illegible] [illegible] [illegible] [illegible]
fol. [illegible] [illegible] [illegible]. Quod [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] fol. [illegible] [illegible] [illegible] mox
[illegible] [illegible] uerba sunt eadem [illegible] [illegible] [illegible] .2. [illegible] ~~[illegible]~~
~~[illegible]~~ et [illegible] [illegible] Ancora [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible]
[illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible] Comitis [illegible]
dixere 3.º eius articulo, in meo processu fol. 13. [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] examinatur [illegible] [illegible] ad [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible]
[illegible] di .4. [illegible]. [illegible] alia [illegible] [illegible] .4. alia [illegible] [illegible]
Sed [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] dicuntur. [illegible] Comitis [illegible]
senioris, et testatoris? quis eum scribentem uidit? quis hos [illegible] esse
[illegible]? [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. At [illegible]
scriptum esse [illegible] manu .q. comitis [illegible], et [illegible] esse [illegible]

[illegible] abbas [illegible] ex
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] diversis temporibus ab eodem [illegible]
[illegible] et pariter in contractu [illegible] dictam [illegible]
sit; [illegible] ne totis partibus [illegible] fuisse in bonis [illegible] Comitis
[illegible] [illegible] [illegible] sicut requirit [illegible]
[illegible] Alex. [illegible] dicta fuit [illegible]
[illegible] [illegible] [illegible] libri particularis [illegible]
[illegible] dicta fuisse [illegible]
[illegible] [illegible] Comitis [illegible]
[illegible] [illegible] ~~[illegible]~~
[illegible] Comes Anibal [illegible] capitularibus [illegible]
[illegible] quod [illegible] Corona [illegible]
[illegible] Comitis Matthei [illegible] in [illegible]
[illegible] [illegible] [illegible]
[illegible] si in libro Corona [illegible]
non [illegible] ergo libri [illegible] manu Comitis Matthei sed in
[illegible] Comitis [illegible] ergo [illegible]
[illegible] quod bona [illegible] fuisse in bonis Comitis [illegible]
[illegible] in bonis Comitis [illegible] et [illegible] acquisita
[illegible] inferius [illegible]
corona [illegible] diminuta. Venio modo ad [illegible]
Hanc particulam si [illegible] Comitis [illegible]
mihi obiicit, cum [illegible] bona sunt [illegible]
[illegible] Comitis [illegible]
[illegible] [illegible] ab eius filijs [illegible]
quod [illegible] Comite [illegible] libri ad [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] Comitis [illegible] et [illegible]
[illegible] in bonis eius [illegible]
Sed [illegible] librorum [illegible] collatis, admisso tamen [illegible]
quod [illegible] capitularibus, nihil [illegible] in [illegible]
[illegible] [illegible] libro [illegible]
[illegible] [illegible] Ferrario [illegible]
[illegible] in 4° articulo [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] Comitis [illegible]
[illegible] [illegible]
[illegible] [illegible] [illegible]
Et sic infertur [illegible] fuisse [illegible] à Comite [illegible]

[illegible] et [illegible] sed fuit [illegible] [illegible]
a comite [illegible] possessi [illegible] in dubio [illegible]
[illegible] indicandum esse [illegible] [illegible] data [illegible]
[illegible] unius [illegible] masculi a [illegible] [illegible]
[illegible] ex [illegible] arme [illegible] [illegible] [illegible]
[illegible] in capo [illegible] a [illegible] Comiti [illegible]
in [illegible] [illegible] conditioni fideicommissi Comitis [illegible]
[illegible] et [illegible] apponat [illegible] conditionaliter [illegible]
[illegible] in dubio pro libertate iudicandi [illegible] non [illegible]
[illegible] conditionali [illegible] [illegible]
[illegible] de [illegible] n. 2. in [illegible] col. Nec [illegible] in [illegible]
[illegible], qua [illegible] in [illegible] particula libri delle arme, [illegible] 20 [illegible]
[illegible] io [illegible] in [illegible] dal [illegible] [illegible] figlio [illegible]
[illegible] dixi [illegible] [illegible] ex ipsa particula [illegible]
[illegible] fuisse a [illegible] furlano [illegible] Comiti [illegible]
[illegible] habuisse masculi a [illegible] furlano [illegible]
[illegible] Comes [illegible] ex successione comiti [illegible]
[illegible] aliunde vel a comite [illegible] ab [illegible]
[illegible] esse fideicommisso [illegible]
[illegible] in dubio pro [illegible] pro libertate iudicandum
[illegible] plus dico esse animadvertendum [illegible]
[illegible] Comitis [illegible] particula [illegible]
a [illegible] in ultima [illegible] ex [illegible]
[illegible] omnium [illegible]
[illegible] in [illegible] fundamenta [illegible] ex [illegible]
[illegible] Comitis [illegible] ex [illegible] Comitis [illegible]
[illegible] in divisionibus [illegible] duobus [illegible]
[illegible] in [illegible] a fol. 41. [illegible]
[illegible] comiti [illegible]
[illegible] suppositum [illegible]
[illegible] ex alijs [illegible] Comitis
[illegible] aliorum [illegible]
[illegible] omnium [illegible]
Comitis [illegible] ex [illegible] omnibus [illegible]
[illegible] sic [illegible]
[illegible] fideicommissarum ad [illegible]
[illegible]
[illegible] alijs [illegible] Comitis [illegible]
[illegible]
[illegible]
[illegible]

Comitis [illegible], et [illegible] cum subscriptione notarii [illegible] [illegible]
[illegible] nullas [illegible] bonorum in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] inter comitem [illegible] et [illegible] fuit divisum
[illegible] in bonis comitis [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ex divisione
[illegible] inter comitem [illegible] [illegible], et [illegible]
comitis [illegible] in quibus divisionibus [illegible] [illegible] ergo
comiti [illegible] patre non obvenerit in [illegible] in divisionibus [illegible]
[illegible] et [illegible] filios Comitis [illegible] [illegible], [illegible] quod
[illegible] esse [illegible] fideicommisso Comitis [illegible] a Comite
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ex [illegible] Bragalinum [illegible] et [illegible] fol. 88. 89. [illegible]
in meo [illegible] attestat notarii in [illegible] [illegible] existentibus
[illegible] multa instrumenta [illegible] [illegible] [illegible]
[illegible] ipse specifice nominat et [illegible] [illegible] sunt
sex millia aureorum, [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] ex [illegible] bonorum
[illegible] [illegible] ex [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] quod Comes [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] habere instrumentum [illegible] acquisitionis [illegible] [illegible]
[illegible] et [illegible] hi [illegible] cum [illegible] et [illegible] [illegible]
[illegible] maliciose omiserunt [illegible] ex eo [illegible] [illegible]
[illegible] ex [illegible] fuisse acquisitum [illegible] in [illegible] [illegible] [illegible]
[illegible] sicut [illegible] et aliis bonis. [illegible] [illegible] ex [illegible]
[illegible] divisiones factas inter comitem [illegible] et [illegible] et bonis [illegible]
[illegible] comitum Matthei [illegible] [illegible] [illegible], quia sciverunt
[illegible] [illegible] nullam in eis [illegible] fieri. [illegible] sic [illegible] [illegible]
[illegible] mala fide [illegible] [illegible] malo eos [illegible] causa [illegible] [illegible] ex
[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] ad [illegible]
Bragalino [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] fideicommisso [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] illa praeiudicia, [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] fideicommissi Comitis [illegible], [illegible] [illegible] [illegible]
[illegible] fideicommisso subiacere, nam illa [illegible] [illegible] [illegible] [illegible]

ne ex eo, quia [illegible] examinatos [illegible] mag. [illegible] Maria [illegible] effectum
Certis fieri [illegible] in [illegible] [illegible] loco [illegible] facto [illegible]
[illegible] fideicommisso [illegible] mariti [illegible]
[illegible] omni [illegible] cum casus sunt diversi [illegible]
[illegible] et si ibi [illegible] indicatum [illegible]
[illegible] fideicommisso [illegible] in casu [illegible]
[illegible] petitus [illegible] fideicommisso [illegible]
[illegible] [illegible] permisit.

Si [illegible] dicamus [illegible] fideicommissum et quod in eo [illegible] causa [illegible]
datur, adhuc tamen [illegible] [illegible] non possit [illegible] hoc [illegible]
[illegible] dicenda. 1° [illegible] praescriptio. 2° causa [illegible]
[illegible] 3° [illegible] Retro ad 1um [illegible]
[illegible] anno 1516 [illegible] [illegible] 100 [illegible]
[illegible] legitime [illegible] actioni [illegible]
[illegible] x. vel xx. annorum [illegible] 20. 30. et 40. [illegible]
[illegible] excludit actionem [illegible] si ius [illegible]
[illegible] sicut [illegible] in decimo quinto [illegible]
praescriptio [illegible] facto, ut [illegible] l. ij. C. de [illegible] 17 [illegible]
[illegible] C. de [illegible] posit [illegible] in omnem
[illegible] et [illegible] l. i. C. de exc. [illegible] l. i. C. de [illegible]
[illegible] adversus [illegible]
[illegible] quod [illegible]
[illegible] fidei possessori [illegible] contra possessorem bonae fidei [illegible]
[illegible] nisi tamen [illegible] quia si [illegible]
[illegible] non [illegible]
[illegible] C. in quib. casi. cess. long. temp. praescr. [illegible]
quod [illegible] hereditatis [illegible]
[illegible]
[illegible] possidenti titulo [illegible] longo [illegible] quia [illegible]
[illegible] titulo [illegible] bona fide [illegible] possessione x. [illegible]
annorum usucapio [illegible]
[illegible] x. annorum dico inter praesentes et 20. inter absentes [illegible]
[illegible] habere domicilium [illegible]
eadem civitate nec curat ubi res sint sitae, vel an sint [illegible]
vel incorporales ut ususfructus [illegible]
[illegible] praescriptio [illegible]
[illegible] xx. [illegible]
[illegible] ut in l. [illegible]
[illegible] missi in possessionem bonorum [illegible]
[illegible] si [illegible]
[illegible] non vindicat [illegible]
[illegible]
[illegible]

[illegible]

[illegible] possidiam post [illegible] [illegible]
[illegible]
lo si postea [illegible] a possessore [illegible] possidiam [illegible] successori possessori
tex. in l. [illegible] C. de [illegible] 30. [illegible] 30. an. [illegible] [illegible]
[illegible] [illegible] praescriptio [illegible] [illegible] [illegible] [illegible]
bona fidis et continuatio temporis [illegible] [illegible]
[illegible] sub nu. 7. [illegible] omnia [illegible] [illegible]
[illegible] [illegible] [illegible] modo [illegible] [illegible]
Bar. in l. [illegible] [illegible] l. celsus. [illegible] [illegible]
[illegible] mediantibus [illegible] [illegible] [illegible]
a [illegible] directo [illegible] [illegible] ex [illegible]
[illegible] ex [illegible] actione [illegible] bona fides
ex ipsis acquisitionis [illegible] [illegible]
[illegible] [illegible] [illegible] consi. in cons. 122.
nu. 51. in 2.° vol. [illegible] [illegible]
[illegible] bona fides [illegible] quod [illegible]
[illegible] continuatio [illegible] [illegible]
instrumento [illegible] [illegible] [illegible] ex possessione [illegible]
[illegible] auctoris [illegible] [illegible] praescriptione [illegible]
[illegible] [illegible] cum praescriptionis exceptio [illegible]
[illegible] [illegible] possit [illegible] Alex. in cs. 22. [illegible]
terminum, et ad [illegible] causa [illegible] glossa, [illegible]
[illegible] [illegible] [illegible] [illegible] C. [illegible]
[illegible] obstabit si dicat auctoris [illegible] minori [illegible]
[illegible] praescriptio non currat contra pupillum currit [illegible]
[illegible] sed [illegible] usque ad 25. annum [illegible]
[illegible] l. 3. in [illegible] C. [illegible] 30. [illegible] 40. an. [illegible]
usque ad annum 29. [illegible]
[illegible] sed actoris non modo annos 25. [illegible] sed [illegible] 31. [illegible]
[illegible] possit [illegible] praescriptio contra [illegible]
et [illegible] [illegible] in integrum restitutionis [illegible]
d. l. sicut [illegible] [illegible]
ut in casu [illegible] contra actoris [illegible] currit postea contra [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] contra [illegible] [illegible]
[illegible] ad [illegible] tex. [illegible]
[illegible]
bona fide [illegible] minoris ignorans minoris [illegible]
[illegible]
legitimi [illegible] [illegible]
[illegible]

minorē cupit [illegible] p. 10. à Jas. in l. [illegible] fi. in
[illegible] ad id [illegible] cum [illegible] inducta
à [illegible] domini. [illegible] 50. an. ut supra. [illegible]
obstabit [illegible] ergo [illegible] fideicommissi [illegible]
[illegible] non obijci [illegible]
[illegible]
[illegible] videtur, [illegible] omnes [illegible] ergo [illegible] non [illegible]
tollitur [illegible] 30. [illegible]
[illegible] licet non currere fideicommissario [illegible] adeundi [illegible]
[illegible] personā [illegible] adversus currit et praeiudicat [illegible]
[illegible] et maiorē [illegible] legitimū [illegible]
[illegible] et sic praescriptionis fundam. [illegible] ab
omnibus [illegible]. Transeo modo ad. 2.m et dico [illegible]
causa necessaria posse alienari fideicommissi [illegible]
[illegible] subiacere fideicommisso: [illegible] causa magis
necessaria [illegible] liberando [illegible] carceribus [illegible] in casu [illegible] ut in instrumento
[illegible] Alexandri [illegible] nomine Comitis [illegible]
[illegible] in processu fol. 100. usque 105
et constat ex [illegible] ipsius Comitis Anibalis in processu fol. 105. in
[illegible] fideicommissū alienari ut in [illegible]
[illegible] tex. glo. et loc. [illegible] carceribus
[illegible] Com. mattheus testator [illegible] bona ipsa omnia [illegible]
[illegible] nepoti suo ex filio et suo sanguine [illegible] ergo [illegible]
[illegible] mortuo [illegible] testatoris [illegible]
[illegible] cogitasse verisimiliter [illegible] ad hoc [illegible]
[illegible] in sua [illegible] ante
[illegible] omnia bona fideicommissi [illegible]
[illegible] germadmodū [illegible]
[illegible] lib. xi. [illegible] Cass. [illegible] cum tex. in l. [illegible]
[illegible] Jas. in l. marcelus. [illegible] ad trebel. [illegible]
in. xi. [illegible] carcere [illegible]
[illegible]
[illegible] mortis paena [illegible] dicitur, [illegible]
[illegible] ad senatum [illegible] 117. [illegible] 2. [illegible] tomo. [illegible]
[illegible] supplicij [illegible]
[illegible] aut labor aut [illegible] esse [illegible]
[illegible] libertatem [illegible]
ad [illegible] lib.
et [illegible]
[illegible]
[illegible]
[illegible] optimi [illegible] est, [illegible]
[illegible] grandis negotijs [illegible] possit [illegible]

[illegible] 43.

unde legitur apud A. Gel. noc. attic. lib. 1. cap. 10. Catonem iussu a C. Caesare in carcerem duci a [illegible] fuisse [illegible] dimissus esse [illegible] statim senatus [illegible] existimaverunt idem [illegible] lib. [illegible] Scipione Africano a [illegible] [illegible] lib. [illegible] cap. [illegible] nimirum itaque si necessaria causa alienandi fideicom. [illegible] ista [illegible] [illegible] e carceribus, [illegible] teterrimis et durioris [illegible] esse [illegible] Syracusis apud [illegible], [illegible] Athenis [illegible] Carthagini [illegible] [illegible], apud [illegible] latè est legere apud Alex. ab Alex. dier. genial. lib. 3. cap. 5. et meminit [illegible] lib. [illegible] [illegible] 3. [illegible]

[illegible] alienatio [illegible] comitis [illegible] facta est alienatio [illegible] facta [illegible] dicere [illegible] non [illegible] [illegible] [illegible] alienandi. Et dubio [illegible] fide [illegible] non aliud quod [illegible] [illegible] talis alienatio [illegible] [illegible] [illegible]

Praeterea certum est quod fideicommissarius [illegible] alienare usque [illegible] legitimam et trebellianicam [illegible] 124. nu. 27. in 2. vol. [illegible] multa ad hoc vide [illegible] fideicommissum [illegible] 80. nu. 1. in 3. vol. [illegible] fideicommissarii [illegible] in legitimam [illegible] [illegible] iure naturae [illegible] imo [illegible] ut [illegible] non [illegible] directe aut indirecte [illegible] [illegible] [illegible] communis [illegible] ius detrahendi [illegible] [illegible] ad l. falci. Sed [illegible] filius comitis Matthaei testatoris non modo non alienavit [illegible] modo falcidiae [illegible] acquisita ad filios suos [illegible] transmisit [illegible] filii dicti comitis [illegible] legitimam et trebellianicam [illegible] facta alienatio [illegible] [illegible] alia [illegible] [illegible] [illegible] facta alienatio [illegible] [illegible] iux. l. [illegible] filius [illegible]

[illegible] 4°. [illegible]

[illegible] 17. [illegible] legitimo subiecte [illegible] [illegible] Bar. [illegible] insti. lib. [illegible] [illegible] [illegible] in. xi. limit. [illegible] in 3°. not.

m

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l. tutor [illegible] et admi[illegible] [illegible] [illegible] [illegible]
et seq. p[illegible] nu. 64. 65. 66. ubi alia similia ad defendam adducit [illegible]
decii. quod simul extincti fideicommissi [illegible] [illegible]
in cons. 95. col. [illegible] fi. [illegible] 4° [illegible] [illegible]
[illegible] Dici posset [illegible] [illegible] quia 2° alienatio directi dominii [illegible]
[illegible] maxime validitate [illegible] [illegible] super [illegible]
[illegible] quia gravatus fideicommisso
[illegible] nihilominus alienare si alienatio [illegible]
[illegible] tradita a Jac. [illegible] et abba[illegible] in
cons. 97. nu. 18. in [illegible] Sed [illegible] in contractu
utilitatis quia multo maioris [illegible] occurrit ut
patet ex collatione [illegible] productum per autores [illegible]
[illegible] Demum posset insurgi quod ex [illegible]
fideicommissi ad [illegible] et gravatum [illegible] nu. 65. 8
nu. 24. [illegible] quod Comes [illegible]
[illegible] in [illegible] liberam ad filios transmisit, ad [illegible]
bona [illegible] omnia [illegible] quia [illegible]
[illegible] alienavit ad [illegible] impugnare alienationes factas [illegible] filios
[illegible] in suos bona [illegible] libera [illegible]
[illegible] bonis fideicommissi bona libera [illegible]
conditionata, vel cum bonis liberis conditionata [illegible]
[illegible] in [illegible] facto [illegible]
[illegible] quod [illegible] fideicommisso [illegible]
[illegible] actoribus nullum ius [illegible]
[illegible] modo. [illegible] Braghinus ab [illegible]
in expensis [illegible] actoribus in expensis [illegible]
[illegible] Braghinus [illegible] ad solum [illegible]
[illegible] meliori modo. [illegible] Braghinio [illegible]
[illegible] quia in [illegible]
[illegible] ideo Braghinus ad [illegible] obiectionis [illegible]
[illegible] expensas [illegible]
[illegible] si [illegible] ex [illegible]
[illegible] doctrina [illegible]
[illegible] quod [illegible]
[illegible] ideo esse absolvendus, et haec sufficiant. L.D.

[illegible] Braghinus [illegible] absolutus a [illegible] ex [illegible]

Flaminius [illegible] [illegible]

Omnium bonorum [illegible] operum et omnium studiorum [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in lib. de cale-
ndariis? cap. 3. [illegible] Jesu christi salvatoris eiusque [illegible] et gloriose [illegible]
[illegible] Primum facie dictum [illegible] dubio [illegible]
[illegible] principalis [illegible] Bernar. [illegible]
[illegible] 23 octobris [illegible] ben [illegible] odorici [illegible]
[illegible] commendu
[illegible] educationis [illegible] compulsi [illegible]
[illegible] Bonifacij [illegible] 1504 - 5 aug.
ad solutionem [illegible] 42 - [illegible] Dno Jac. [illegible]
[illegible] Cum enim in locatione [illegible] tempore [illegible]
[illegible] in fine [illegible]
[illegible] donat [illegible] coms
[illegible] Bonifacij [illegible]
[illegible] [illegible] ducat. 42 [illegible]
[illegible] Bonifacij [illegible] Bonifacio eius
[illegible] in omnia [illegible] ecclesie [illegible]
[illegible] [illegible] tradenda sunt
[illegible] rex. [illegible] in c. relatum [illegible]
[illegible] in c. cum nos [illegible] ordi. et in videtur teneri in multis [illegible]
diversis quos non refero tum brevitatis causa, tum et quia omnibus [illegible]
sunt loca et [illegible] in quibus hac materia tractat. Unde cum
tempore exactionis [illegible] in fine anni D. Jac. iam [illegible] et D. Boni-
facius in beneficio [illegible] exactiones ad eum Bonifacium pertinere
[illegible] ad [illegible] D. Jac. Maxime cum successor in beneficio quasi [illegible]
[illegible] in c. [illegible] alios [illegible] de solutio
quod successor in beneficio succedit et in acquisitis intuitu ecclesie, ut [illegible]
in [illegible] c. relatum. [illegible]
[illegible] in c. relatum [illegible] late, et in superius [illegible] in not. [illegible] Est enim [illegible]
dus minister in fructibus beneficij dispensandis, quod [illegible] non videtur
[illegible] expedire [illegible] 12 [illegible] et tradit Abb. in c. cum esset [illegible]
[illegible] in [illegible] et sic cum [illegible] Bonifacius [illegible]
[illegible] in electione eius [illegible] et [illegible]
[illegible] principalis [illegible] iuxta [illegible]
[illegible] fideiusso. [illegible]
[illegible] ad solu. [illegible]
[illegible] electione [illegible] solui
[illegible] lib. 2. [illegible]
qui [illegible] alio [illegible] de alio. [illegible] Sed

premissis minime obstantibus [illegible] cum non [illegible] in diversas me trahunt sententias quas mox subijciendas duxi. Primo quod legitur Deuteronomii [illegible]
[illegible]
[illegible] pars et [illegible]
[illegible] et nihil [illegible]
[illegible]
[illegible] ego eis [illegible] et [illegible]
[illegible] Vide [illegible] scribens [illegible]
[illegible]
[illegible] oblationes [illegible] habens [illegible]
[illegible] que [illegible]
[illegible] et ad idem facit [illegible] secundo dico [illegible]
[illegible] et [illegible] idem [illegible]
[illegible]
[illegible] in prin. [illegible]
[illegible] D. Bonifacius [illegible]
[illegible]
[illegible] D. Bonifacius [illegible] alienis laboribus [illegible]
[illegible]
[illegible] ab alienis [illegible]
[illegible] dico [illegible] preiudicio [illegible] quod [illegible]
[illegible] quod et iure divino
et iure humano [illegible]
[illegible] a primo [illegible] salvum usque ad [illegible]
[illegible] Nam [illegible] dominus [illegible]
[illegible] et usufructuarium ut [illegible] in Sexto [illegible]
[illegible] naturaliter possidet [illegible]
[illegible] ususfructuarius [illegible]
[illegible] usufructu [illegible]
[illegible] statim [illegible]
[illegible] transmittit et [illegible] ad proprietarium [illegible]
[illegible]
[illegible] usufructu [illegible]
[illegible] fructuario [illegible] spectant [illegible] fructuarij [illegible]
[illegible] fructus [illegible] fructuarius [illegible]
[illegible] Si [illegible]
[illegible] successorem [illegible] ad [illegible]
[illegible] D. Bonifacius [illegible]
[illegible] anni [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

[illegible] ... est et si [illegible] D. Jac. [illegible]
[illegible] in [illegible] simplex ... casu [illegible] et mortem [illegible]
[illegible] et [illegible] officium et beneficium [illegible]
[illegible] in c. [illegible] et appell. [illegible] quod alteri
[illegible] et alteri [illegible] non possit [illegible]
[illegible] in [illegible] et [illegible]
[illegible] et [illegible] non [illegible]
[illegible] l. si [illegible] novo [illegible]
proverb. 12. [illegible] suam [illegible] ad [illegible]
[illegible] 2. Reg. scilicet [illegible]
[illegible] et [illegible] D. Jac. a die 21. octob. [illegible]
[illegible] pondus diei et [illegible] et ipsi [illegible] fructus
[illegible] beneficii [illegible] usque ad [illegible] D. Bonifa-
cii et [illegible] usque ad tempus mortis D. Jac. [illegible]
[illegible] 5°. quia [illegible] D. Jac. [illegible] quod
[illegible] et commodum [illegible] existit [illegible]
[illegible] spectare ad heredem ad quem transmittitur, ut in l. [illegible]
[illegible] in l. [illegible] l. [illegible] et [illegible]
[illegible] l. [illegible] et in [illegible] ratio [illegible]
[illegible] D. Bonifacio, sed heredibus D. Jac. 6°. quia et pensio-
nes [illegible] et non solvere in heredem pensionarii transeunt et non in successorem in
beneficio, ut per Rocham. [illegible] in suo tract. et [illegible] quaest. 52. et
[illegible] simil. respon. 80. num. 7. ac [illegible] respon. 51. [illegible]
Alex. [illegible] cons. 47. in fi. vol. 2. et 157 vol. 2. et Soci. cons. 100. col. 1 [illegible]
et si [illegible] in 4°. vol. 7°. quia [illegible] rectoris ecclesie [illegible]
[illegible] et non successor ut [illegible] in c. ex [illegible] 8. et [illegible]. Et
similiter non successor sed heres tenetur [illegible]
[illegible] ecclesie sint [illegible] ut [illegible]
[illegible] et [illegible] ad [illegible] heredem, ut in l. [illegible]
[illegible] et commoda [illegible]
non ad successorem [illegible] non commodum [illegible]
[illegible] 8°. [illegible] quod [illegible]
[illegible] et [illegible] in c. [illegible] in clem. [illegible]
[illegible] in disput. [illegible] in c. ex [illegible] et [illegible] quod
[illegible] et [illegible] et beneficium [illegible] beneficio [illegible]
[illegible] sed si in [illegible] existendi [illegible] D. Bonifacio
[illegible] quod D. Jac. [illegible]
[illegible] ad [illegible]
[illegible] ad heredes D. Jac. [illegible]
[illegible] D. Bonifacium [illegible]
[illegible]

[illegible] ... ad [illegible] ... opinionibus [illegible]

bex. in l. [illegible] C. de [illegible] ... in [illegible] terminis [illegible]

tus locationis contra [illegible] ... l. fix. in l. contractus locationis [illegible]

[illegible] in l. sed addes, si quis [illegible] ... ff. eo. [illegible]

[illegible] ... actio ex locato et [illegible] ... ad [illegible]

[illegible] ... ergo nulla actio [illegible] ... cum [illegible]

[illegible] ... [illegible] ... C. de [illegible]

[illegible] ... actio [illegible] ex locati [illegible]

et [illegible] ... actiond ad exactiond dicti affictu

et. 2. [illegible] ... causa actione. X.° [illegible]

[illegible] ... ff. [illegible] in 6.° [illegible] 12. q. 2. [illegible]

et in [illegible] ...

[illegible] exactio affictus [illegible] ...

[illegible] ...

XI.° Si [illegible] ... beneficij [illegible] ...

[illegible] potuit [illegible] ... in [illegible]

[illegible] ad solid [illegible] ...

[illegible] ... ut aliud [illegible] ...

[illegible] ...

[illegible] ... com. [illegible] ...

[illegible] omnino [illegible] ...

[illegible] ...

[illegible] ...

[illegible] ...

[illegible] ... fiat ad modo [illegible] ... in XI. licet [illegible] ...

[illegible] ...

[illegible] ...

quia [illegible] ... opinio, [illegible] ... in beneficio [illegible]

post fructus [illegible] ... nihilominus [illegible] ... opinio [illegible]

[illegible] ...

solo [illegible] ... fructibus [illegible] ...

[illegible] in [illegible] ... separatis [illegible]

[illegible] ... fructibus [illegible] ...

[illegible] ... ex beneficio [illegible] ...

[illegible] ...

[illegible] ...

nis, vel [illegible] in locatione [illegible] ... ex fundo [illegible] ...

naturalis accessio [illegible] ... hac [illegible] ...

[illegible] affictibus. Hinc est, quod Bar. in l. bello. ff. [illegible] excus. [illegible] ... dixit [illegible]

[illegible] ex fructibus [illegible] ...

[illegible] ...

[illegible] ...

[illegible] ... ut si [illegible] ... quod [illegible] colono

[illegible] in l. si [illegible] domi [illegible] loca [illegible]
[illegible]
[illegible] ibidem [illegible]
[illegible]
[illegible] locari [illegible]
[illegible] quis [illegible]
[illegible]
[illegible]
[illegible] l. ij. [illegible]
[illegible] convenimus ex [illegible] l. fi.
[illegible] maior [illegible] ad [illegible] colono [illegible] ad [illegible]
[illegible] fruct [illegible] sed [illegible] tempus ipsorum
[illegible] hoc [illegible] esse [illegible] cum
tempore collectorum fructuum. D. Iac. [illegible] suo ad [illegible] tempus [illegible]
[illegible] tempus [illegible] possessionis colonis [illegible] nullum participium
habens [illegible] Bonifacius successor [illegible] stipulatus [illegible]
[illegible] si successor [illegible] habens in fructibus, fructus iam collecti erant,
[illegible] bona fide [illegible] sunt [illegible] D. Iac. [illegible] ad [illegible] ipso iure
ad D. Bonifacium [illegible] spectant, cum ei nulla actio [illegible]
[illegible] premissis [illegible] omnia [illegible] hac [illegible]
[illegible] l. i. C. [illegible] lib. xi. [illegible] l. diuortio. ff. sol. ma[illegible]
[illegible] ad acquisitionem et transmissionem ad suos [illegible]
[illegible] collectionis fructuum [illegible] possessionis
[illegible] usufructuarium [illegible]
[illegible] beneficij [illegible] fundi [illegible]
[illegible] facilius intelligantur [illegible]
[illegible] collectis fructibus [illegible] colonia [illegible]
[illegible] ad [illegible]
[illegible] solum [illegible]
[illegible] in principio [illegible]
[illegible]
[illegible] obligationis [illegible] obliga. l. [illegible]
[illegible]
[illegible]
[illegible] mihi obijcias [illegible]
[illegible]
[illegible] bona [illegible]
[illegible]
[illegible]
[illegible]

Duo exciduntur dubia ex processu formato inter nob. D. Georgium à Curzo petentem ex una et nob. D. Girardum similiter à Curzo [illegible] ex altera, [illegible] in [illegible] alterum in facto consistit. Primum namque dubium est an [illegible] facta per D. Girardum in [illegible] possit D. Georgius petenti [illegible] [illegible] quod dum [illegible] dictam [illegible] bona [illegible] per [illegible] D. [illegible] à Curzo dixit fuisse [illegible] per D. [illegible]. Secundum vero dubium est an [illegible] per talis confessio [illegible] [illegible] possit revocari, an non [illegible] causa per [illegible] Girardi [illegible] et liquidatum fuerit errore, quibus [illegible] (nisi [illegible] [illegible]) omnis [illegible] dubitatio [illegible] [illegible] tollitur [illegible].

Veniendo itaque ad primum dubium et omissis disputationibus [illegible] ad [illegible] partes quae magis ad [illegible] quam ad utilitatem [illegible] [illegible] dico quod [illegible] confessionem [illegible] [illegible] ad [illegible] [illegible] revocari [illegible] max. [illegible] [illegible] [illegible] in 2° dubio [illegible].

Et [illegible] [illegible] tex. expressus in l. [illegible] [illegible] ff. de [illegible] [illegible] tex. [illegible] [illegible] [illegible] [illegible] confessionem [illegible] errorem [illegible] revocari, max. [illegible] [illegible] in [illegible] error [illegible] facti [illegible] negotio [illegible] [illegible] tex. in l. [illegible] C. de iur. [illegible] [illegible] et [illegible] in l. [illegible] ff. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quid [illegible] [illegible] [illegible] revocari omnis [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] et [illegible]. hoc dicit [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], sed in [illegible] [illegible] in [illegible] col. [illegible] [illegible] col. 4. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Cardi. in clem. [illegible] [illegible] [illegible] in [illegible] 8. q. [illegible] Deci. in l. [illegible] mihi [illegible] [illegible] C. de [illegible] franc. [illegible] [illegible] Rom. [illegible] et alij in l. 1. [illegible] [illegible] [illegible] ff. de verb. oblig. et [illegible] in d. l. error. [illegible] d. l. [illegible] facti, et in d. l. [illegible] et in [illegible]

C. de iure et fac. igno. ubi tex. quoque ubi [illegible] constare [illegible] defectu errore
non praeiudicat differentiae facti, in simili tex. in l. si per divisionem C.
[illegible] ubi divisio facta per errorem [illegible] praeiudicii [illegible] non fuit
similiter tex. in l. si non transactionis [illegible] ubi ait, quod si in transactio
ne quod fortius est, quis permittat aliquid per errorem, talis permissio permitten
non officit, nisi cum ipso error sit transactum et facit quoque tex. in l. in
in proprietate. et si quis per errorem permittat, iudicio sisti, in [illegible]
non obstante erronea permissione habere ex [illegible] tex. in l. [illegible]
et si quis. ff. si [illegible] si quis cautio. facit quoque tex. in l. si non [illegible]
[illegible] C. si certum pet. ubi si testes fatentur numero x. habuisse a [illegible]
tamen in ueritate uni soli facta est numeratio, talis confessio
non nocet, qui non acceperunt, et propterea confessione non [illegible]
[illegible] sit creata, possunt saepius calcula [illegible], et error saepius [illegible]
[illegible] similiter error commissus in libello [illegible] error [illegible] non nocet, sed
[illegible] [illegible] revocari. iux. tex. in l. [illegible] error. [illegible]
et dixit tex. in l. creditori in fi. C. de [illegible] quod soluta [illegible]
solutio non praeiudicat, quin repetitionem habeat. et [illegible]
[illegible] generalis error [illegible] [illegible] praeiudicat. l. [illegible]
[illegible] ueritas. ff. de [illegible] l. quotiens. §. sed si non in corpore. ff. de [illegible]
[illegible] in similibus infinitis, quae possent cumulari. et salv. in l. i. C. si
[illegible] aliquid [illegible] in [illegible] [illegible] dixit, quod [illegible] [illegible] [illegible]
[illegible] peccans accusatur. Et haec quidem [illegible] [illegible]
[illegible] ex [illegible] [illegible] [illegible] Aristot. [illegible] Elenc. [illegible]
[illegible] 3° metaphis. [illegible] [illegible] longe speculantur. et idem [illegible]
dubitatio. quod [illegible] [illegible] dixerunt [illegible] affirmando [illegible] et [illegible]
[illegible] peccavit. [illegible] negans ubi Bar. C. de [illegible] [illegible]
[illegible] condi. in [illegible] et ibi [illegible] doc. tex. [illegible] quis [illegible]
[illegible] in [illegible] salu. in l. [illegible] C. de [illegible] [illegible] doc. [illegible]
l. error. in d. §. non tantum. in d. l. de [illegible] et [illegible] [illegible] in locis [illegible]
[illegible] tex. in l. [illegible] in [illegible] in [illegible] de [illegible]
[illegible] in glo. [illegible] ubi multos alios alle. Roma. quoque [illegible]
[illegible] Barba. et [illegible] in d. l. i. §. si quis simpliciter. ff. de [illegible]
[illegible] [illegible] in l. [illegible] §. quidam [illegible]
[illegible] dixit quod si confessio sit facta in iudicio et [illegible]
non possit reuocari, nisi [illegible] ex quo [illegible] [illegible] [illegible]
reuocari, et si possit reuocari [illegible] partem est acceptata, [illegible] [illegible]

potuit revocari in casu n[ost]ro in quo talis confessio [illegible] partem sed dum fuerat acceptata. Et si dico in locis [illegible] affirmat [illegible] posse positioni [illegible] [illegible] erroris, quid obstat [illegible] [illegible] posse confessionem [illegible] erroris [illegible]. Nec [illegible] [illegible] [illegible] dicendum cum in iudicijs [illegible] sit [illegible] [illegible] [illegible]. Et [illegible] magis [illegible] revocari et [illegible] confessio in casu n[ost]ro ex quo error fuit in nomine [illegible] [illegible] [illegible] respondens positioni voluit dicere bona fuisse possessa [illegible] D. Hier[onym]i dixit fuisse possessa [illegible] D. petrum, quo casu talis error in solo nomine [illegible] nocet, ut [illegible] tex. in l. si in nomine. ff. de [illegible]. Et [illegible] quoque magis revocari potuit asserta confessio [illegible] [illegible] fuit revocata [illegible] talis error fuit in facto non proprio sed alieno hoc est D. Hier[onym]i qui [illegible] [illegible] [illegible] [illegible] et ignorantiam excusat, ut in l. [illegible] [illegible] in [illegible] [illegible] [illegible] tam [illegible] hoc est in facto alieno praesumitur ignorantia, ut in l. [illegible] [illegible] sed [illegible] [illegible] [illegible] confess. [illegible] [illegible] Capr. cons. 10. nu. 30. Et generalius dixit [illegible] in c. praesumitur ignorantia [illegible] [illegible] [illegible] quod ignorantia [illegible] praesumitur, [illegible] error, nisi [illegible] scientia, quod [illegible] [illegible] in l. [illegible] [illegible] [illegible] [illegible] in tit. qui accus. poss. col. 3. facit l. si legibus cum glo. C. de episc. audi. l. [illegible] servus. C. [illegible] [illegible] lib. xij. [illegible] Non omitto quod [illegible] [illegible] [illegible] D. Girardus [illegible] [illegible] D. Hier[onym]i successit, [illegible] tex. in c. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dixit Alex. in cons. cxj. nu. 4. vol. 3. Capr. cons. 10. nu. 29. et idem Alex. [illegible] cons. 7. nu. 22. in 7.° vol. et est tex. in l. si quis in gravi. [illegible] [illegible] ad syll. [illegible] [illegible] quod et in facto proprio tollerantur nedum in alieno, [illegible] error, cum illi qui [illegible] [illegible] [illegible] revocari, [illegible] de damno [illegible], licet [illegible] [illegible] [illegible] lucro captando. [illegible] [illegible] magis hoc casu potuit revocari asserta [illegible] confessio quae [illegible] modo [illegible] facta, ideo qui [illegible] de damno vitando [illegible] [illegible] qui [illegible] in [illegible] [illegible] et de facto alieno confessus [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dicitur [illegible] [illegible] quod in casu n[ost]ro confessio [illegible] [illegible] [illegible] potuerit revocari [illegible] errore [illegible] [illegible] in errore, [illegible] [illegible] qui [illegible] admittitur ut in l. [illegible] ignorantia facti. [illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] error facti, qui excusat [illegible] [illegible] [illegible] ignorantia [illegible] [illegible] qui [illegible] prudentissimos [illegible] ut [illegible] tex. in l. ij. ff. de iur. et fac. igno. [illegible] [illegible] [illegible]. Et satis [illegible] [illegible] D. Girard[us]

p a . . pulsus fuerit errorem [illegible] et [illegible] plures qui nisi errasset neq[ue] pauxisset, et eu ulteriorem importasset. Debita n. eius, qui p ignorantiam aberrauit, pena est, ut sciens efficiatur [illegible] Plato lib. 3. [illegible] Critias siue atlanticus, et [illegible] de iusto vel d [illegible] dialogo. Et error qui est priuatio intellectus ad [illegible] et [illegible] et tendentia ad falsa vel priuatio veritatis causata p [illegible] imaginationem in intellectu, ut plene in l. [illegible] Scaeu. [illegible] crasta [illegible] et errore. ff. de iurisdic. om. iudi. et in l. si quis nec [illegible] co. tit. ubi pergrit Can. Bill. in sua [illegible] in [illegible] [illegible] et cont. in . 3. [illegible] Error [illegible] nocere nd debet [illegible] p ydicta, p errore qui in principio fuit paruus in fine fiat maximus. ut fatetur Aristot. p[ri]mo de celo et mundo. 33. [illegible] eo [illegible] nd [illegible] [illegible] [illegible] errore fuit [illegible] dicit ut in l. si [illegible] errore [illegible] ff. de iurisdic. om. iudi. cum sim. [illegible] Ex. [illegible] iudex, qui quaedq[ue] in re ueritatem inuestigare debet [illegible] in c. iudi. [illegible] 30. q. 5. in [illegible] in [illegible] [illegible] C. si minor se mai. dixe. in l. ii. C. de eden. et [illegible] 2. c. illi qui [illegible] l. fi. de [illegible] cum nd pariet ex tali [illegible] [illegible] veritatem [illegible] veritatem nãq[ue] [illegible] sola [illegible] hominem [illegible] facit testatur diuus [illegible] in [illegible] [illegible] Ruffinus [illegible] 257. in 2° epist. tomo. [illegible] Pytagoricum dictum fuit, et Seneca affirmat in lib. de moribus. et [illegible] [illegible] lib. 28. [illegible] 376. in philologia sub [illegible] [illegible] ueritate, et sicut deus in celo, ita iudex in terris iudicat, et sicut deo veritas placet, ita et iudici placere debet, [illegible] n. psal. 50. ecce [illegible] ueritatem dilexisti [illegible] et occulta sapientiae tuae manifestasti mihi et psal. 88. veritas et misericordia [illegible] faciem tuam et [illegible] 20. veritas et misericordia custodiunt regem. et [illegible] misericordia et veritas [illegible] [illegible] [illegible] in tabulis cordis tui. [illegible] veritati [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] veritatem requirat [illegible] [illegible] [illegible] ut in l. [illegible] in [illegible] [illegible] Et Aristot. p. topi. 8. Philosophus [illegible] veritatem sibi [illegible] dicere debere affirmat, ut Seneca in lib. de [illegible] virtutibus vel de [illegible] [illegible] [illegible] sub [illegible] de iustitia [illegible] veritatem [illegible] suadet. Leges vero [illegible] ad eliciendam veritatem [illegible] cal. [illegible] in c. [illegible] [illegible] [illegible] cal. [illegible] [illegible] [illegible] [illegible] l. [illegible] [illegible] [illegible] [illegible] ap[ud] [illegible] [illegible] aug. lib. 2. [illegible] 70. lib. 3° [illegible] 71. iudex [illegible] ex officio suo [illegible] accusatione [illegible] [illegible] [illegible] [illegible] fides [illegible] [illegible]

[illegible] [illegible] stipulatio [illegible] [illegible] [illegible]

l. ij. C. de eden. in l. iij. §. hoc autem iud.m col. 4. x°. hic adde q. 10. [illegible]
dam. in fi. ubi Alex. late prosequit. col. per. et idem Alex. cons. 7. col.
2. in p° uol. cons. 62. col. 2. in 3° uol. [illegible] cons. 146. col. 3. Jo. de Anna.
cons. 59. [illegible] ut [illegible] quasi [illegible] domestici, [illegible]
alias n[illegible] ad restituendum admittunt. ut no. spec. in tit. de [illegible]
§. 1. x°. sed [illegible] Jo. de Anna. in d. cons. 59. et alex. cons. 24. col. pe-
ni. 2° [illegible] [illegible] est scandali [illegible] [illegible] [illegible]
[illegible] qui scandalizauerit. [illegible] iur. et [illegible] omnia [illegible]
cit. ut in c. [illegible] dist. 8. cur [illegible] admittit. [illegible]
confessionis facti ut fides magis [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ut sit [illegible] [illegible] il [illegible] [illegible] et si [illegible]
in sella, quia [illegible] à terra caggia la bugia.

Venio modò ad 2.m dubiu[m] [illegible] facti et hic examino an. D. Girar-
dus errorem [illegible], quod dubio [illegible] [illegible], ut dicam statim. sed
[illegible] [illegible] [illegible] in [illegible] [illegible] habere, ut [illegible] Alex. cons. 69. [illegible]
in 3° uol. [illegible] in d. l. de [illegible] §. qui iusto. [illegible]
[illegible] Alex. [illegible] cons. [illegible] [illegible] in locis [illegible]
[illegible] [illegible]; ideo nunc [illegible] [illegible] esse in contrariu[m] eius, quod D.
[illegible]dus confessus est in [illegible] ad [illegible]. Confes-
sus est itaque terras [illegible] [illegible] D. Georgiu[m] [illegible] [illegible]
[illegible] D. Petri, qui fuit [illegible] [illegible] ipsius D. Georgii actoris.
[illegible] tamen [illegible] dicere, quod fuerit [illegible] D. [illegible] [illegible] ipsius
D. Girardi. Probandu[m] est mihi itaque, quod [illegible] D. Petrus [illegible]
[illegible] possedit terras [illegible] [illegible] D. Georgiu[m] [illegible]
[illegible] D. Georgiu[m] [illegible], et in [illegible] [illegible] fol. 64. [illegible]
[illegible] itaque, pro clariori huius facti intelligentia, quod [illegible] D. Girar
à [illegible] senior, à quo omnes [illegible] originem traxere, [illegible] D. [illegible]
dus iunior, [illegible] D. Georgius actor. [illegible] cum fuisset [illegible]
[illegible] [illegible] à [illegible] [illegible], [illegible] à [illegible] [illegible]
[illegible] [illegible] [illegible] terras omnes [illegible]
[illegible] dimidia ad eum [illegible] [illegible] [illegible] anno. [illegible]
[illegible] [illegible] [illegible], manu.
Dico? cum [illegible] D. Girardus senior [illegible] omnes terras ad eius por-
tionem [illegible] in uilla [illegible] [illegible] nullas habebat terras in
uilla [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] inde cum nullas terras

[illegible] nostra [illegible] predicta limitatione, sequitur quod nulli [illegible] [illegible] terras possessas per D. [illegible] Girardum [illegible] adiudicari [illegible] [illegible] in sua positione tali quali [illegible] in processu fol. 2 [illegible] ex successione [illegible] D. Girardum [illegible] nullas terras possedere [illegible] limitatione [illegible] ad eundem [illegible] successione transmittere potuit [illegible] vulgarib. [illegible] D. Ger. [illegible] hoc [illegible] [illegible] D. Girardum seniorem [illegible] Januarii, imo ex predicti [illegible] post mortem in villa [illegible] [illegible] ipse successor [illegible] vulgarem [illegible] [illegible] [illegible] in l. [illegible] [illegible] Girardus iunior [illegible] satis [illegible] ex hoc solo fundamento victoriam reportare. [illegible] bona eius fides [illegible] [illegible] in [illegible] ad primam posi[illegible] in processu fol. 72. Sciendum est itaque [illegible] predictam facta per D. Girardum seniorem [illegible] [illegible] iunior [illegible] D. [illegible] [illegible] modis ex tit. emptionis [illegible] dico ex successione D. Girardi senioris. Una [illegible] D. Hier.[mi] virtute acquisitionis [illegible] facta a [illegible] ad [illegible] alia pars [illegible] acquisitionis facta a D. [illegible] [illegible] a [illegible] Saturno [illegible] novis, per [illegible] [illegible] inferius [illegible] [illegible] D. Hier.[m] [illegible] ab illis [illegible] [illegible] Ticino, [illegible] notorium est [illegible] [illegible] fuisse possessas per D. [illegible] [illegible] nec [illegible] erit error captus in [illegible] facta ad positionem predictam [illegible] [illegible] D. Girar. [illegible] in tutissimo casu victoriae. [illegible] [illegible] ex multis ex ipso processu colligibilib. [illegible] hic [illegible]

mis longum et laboriosum [illegible] ex testium examinatorum [illegible]
[illegible] ex [illegible] error [illegible]
medio inter D. Hier.^m [illegible] [illegible]
[illegible] novis [illegible] in 148 [illegible]
[illegible] fol. 146. in quo [illegible] Hier.^m [illegible] 500. [illegible]
[illegible] partem suam terrarum, quas [illegible] in una medietate
[illegible] terrarum [illegible] illa met [illegible] quibus [illegible]: Et quod hoc sit verum
[illegible] ipsa ex [illegible] fol. 147. in quibus eedem terre
[illegible] et [illegible] D. Georgii in poliza [illegible]
[illegible] fol. 54. [illegible] collatio [illegible]
[illegible]
[illegible] Alexij [illegible] Andree [illegible]
[illegible] fol. [illegible] D. [illegible] eedem [illegible] sunt [illegible]
[illegible] ex alijs [illegible] duas alias [illegible]
terre [illegible] a [illegible]nominato [illegible]
[illegible] ut ex eadem [illegible]
[illegible] possessionis [illegible] Jo. martini [illegible]
[illegible] terre [illegible]
[illegible] D. Hier.^o a [illegible] D. Girardi
[illegible] fol. 147. [illegible]
ad terras [illegible] error ex instrumento [illegible]
D. franc.^o [illegible] D. Girardi [illegible] fol. [illegible] ex
[illegible] terras [illegible]
[illegible] D. Hier.^o [illegible] D. franc.^o [illegible] D. Girardi
[illegible] ipse [illegible] ex [illegible] D. Girardi
[illegible] D. Georgium [illegible] ex [illegible] D. [illegible]
[illegible] D. franc.^i patris, qui [illegible]
[illegible] error [illegible] in ipsa [illegible] facta ad [illegible]
positionem; quia [illegible] dictis ~~[illegible]~~ [illegible]
ad [illegible] quia [illegible] in solidum [illegible]
[illegible] possit esse domini [illegible] D. [illegible]
[illegible] D. Hier.^o [illegible]
[illegible] error [illegible] ipso [illegible] ad [illegible]
[illegible] fuisse [illegible] D. Hier.^o [illegible] D. [illegible]
[illegible] possessione [illegible] D. [illegible]
[illegible] ad [illegible] ex [illegible]
[illegible] fol. 108. [illegible] fol. 113. [illegible] possessionis [illegible] bona [illegible] colli

[illegible] [illegible] Polli Benzi, Zanni Bianchi, Zacci, Jo. Furlani, Jo. Falaz
et Lanzi [illegible] [illegible] Domini Angeli martini, et Braydā Stabilitū
[illegible] ex pluribus locationibus instrumentis [illegible] in [illegible] in [illegible] fol. 123. [illegible]
fol. 98. [illegible] 3° fol. 130. [illegible] 4° fol. 121. [illegible] 5° fol. 120. [illegible] 6° fol. 98.
7° fol. 95. [illegible] 8° fol. 110. [illegible] 9° fol. 92. [illegible] x° fol. 140. [illegible] xj° fo.
102. [illegible] locationes omnes facte fuere [illegible] anno 1480 usque ad annū
1494 [illegible] duabus factis [illegible] anno 148 [illegible]
ex [illegible] locationibus. Si si [illegible] ex [illegible] locationibus [illegible]
a [illegible] [illegible] [illegible] [illegible] Tyeri et [illegible] [illegible]
[illegible] D. Petrus [illegible] fuit in possessione [illegible] [illegible]
exclusio alterius [illegible] [illegible] [illegible] [illegible] et
[illegible] [illegible] [illegible] fuit probatus, ut [illegible] [illegible]
dicta [illegible] in 3° dubio [illegible] [illegible] revocari,
[illegible] fuit revocata, et nil [illegible] prejudicat D. Gerardo [illegible]
to [illegible] a [illegible] [illegible] locationes [illegible] modo [illegible] in [illegible] [illegible] fuit
in [illegible] [illegible] possessione [illegible] [illegible] [illegible] [illegible]
[illegible] Girardi [illegible] [illegible] possessio [illegible]
[illegible] locationes [illegible] [illegible] in dubio [illegible] loca-
tionis [illegible] [illegible] tex. [illegible] in l. [illegible] [illegible]
[illegible] D. Georgio [illegible] [illegible] [illegible]
[illegible] [illegible] ut D. Jo. patri, et D. Petrus [illegible] fuisset
in possessione post acquisitionem [illegible] D. Tyeri et [illegible]
suorum, [illegible] quibus supra [illegible] tex. in l. si [illegible] dicit. [illegible] [illegible]
[illegible] [illegible] probavit. Et hac [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] D. Girardi [illegible] fol. 55. [illegible]
[illegible] supradictis optime fuit non modo probata, sed et [illegible]
[illegible] Et [illegible] [illegible] dico ex [illegible] et [illegible] in [illegible] [illegible]
[illegible] et ex [illegible] colligibilibus probati [illegible] [illegible] et [illegible]
[illegible] confessionem [illegible] revocari, prout fuit revocata, et
sic D. Girardū esse in casu manifestissime victorie et [illegible]
[illegible] a [illegible] D. Georgiū cū expensis. [illegible]

[illegible] dico et [illegible] esse [illegible] [illegible] flaminius
[illegible] in [illegible] doc. [illegible] Salvo semper indicio [illegible]

[illegible] invitatus nullo pacto [illegible] per [illegible] sententiam ad [illegible]
[illegible] ciuitati [illegible]
in subiectis [illegible] clara [illegible] causa [illegible] alterius [illegible]
in quibuscumque causis tam [illegible] ciuilibus quam criminalibus [illegible] est [illegible]
[illegible] in criminali [illegible] c. ubi in [illegible]
[illegible] c. ubi [illegible] apud [illegible]
[illegible] c. ubi heredi [illegible] ubi [illegible] intentandas [illegible]
[illegible] tex. in l. [illegible] c. ubi in rem act. [illegible] quod [illegible]
[illegible] in foro domicilii possessoris [illegible]
[illegible]
[illegible] terra [illegible]
ad vaginam tuam [illegible] Dicit [illegible]
te, ut legi est Ezechiel [illegible] remisit illum, sunt quoque [illegible]
cognomine Iesus esse de [illegible] 1474 [illegible] Pars [illegible]
[illegible] D. Ioa. [illegible] Pars alia in
missa D. Ioa. in 1524 [illegible] 1492 [illegible] quibus [illegible]
1435 ult. martii et alia [illegible] possit [illegible]
[illegible] virtute contractus [illegible] in contractu Venetiis facto [illegible]
[illegible]
bus, et aliis [illegible]
conueniendos non aut [illegible]
[illegible] ad litigandum [illegible] et [illegible] forum suum habent [illegible]
et quod [illegible] fieri non potuisset [illegible] forum [illegible]
[illegible]
forum possessionalem [illegible] Poterit itaque [illegible]
[illegible] ciuitati [illegible] sed tam
tummodo illi [illegible] iurisdictioni ciuitati suppositi, et tale [illegible]
[illegible] quod lata fuit [illegible]
[illegible] quod [illegible] inter alios acta [illegible] non
[illegible] inter alios acta [illegible] no. in l. sep.
[illegible]
[illegible] ubi ipse in 2. col. [illegible] ex [illegible] et [illegible]
[illegible] ait [illegible] si mota sit lis [illegible] non nocet [illegible]
non [illegible]
c. quibus res iudicata non nocet, et in simili quoque [illegible]
produxerit [illegible] testibus [illegible] non [illegible] lata [illegible]
sit [illegible] nocet [illegible] adul. ubi quoque ait [illegible]
[illegible] in l. i. c. [illegible]
[illegible] testamenti non nocet legatariis [illegible]
[illegible]
[illegible] idem Alex. [illegible]
[illegible] lata [illegible] et [illegible]
[illegible] sic [illegible] lata
actionem [illegible] Bar. et Bal. in l. i. C. de aduo. diu. iudi.
[illegible] quae [illegible]
et [illegible] sed breuitatis causa [illegible] apud Alex.
[illegible] citato, et [illegible] tota haec [illegible] adeo [illegible]
in d. l. saepe [illegible]
conclusio [illegible] non [illegible]
[illegible] quia proculdubio [illegible] non [illegible] praeiudicare [illegible] Bal.
[illegible] inter [illegible]

[illegible] sub [illegible] uno [illegible]
[illegible] ubi est [illegible] col. [illegible] in 4° [illegible]
[illegible] in [illegible] par[illegible]
[illegible] et alias partis opponis asserta sententia inter
quas est illa quod fuit data a iudicibus [illegible] ut [illegible]
[illegible] familia [illegible] ut constat ex lectura [illegible]
lata fuit non citatis Brunaleschis [illegible]
[illegible] requirit citatio [illegible] illud [illegible]
[illegible] ita dicimus [illegible]
quocumque [illegible] Ladi Lex, [illegible] et [illegible] nullus [illegible]
[illegible] ad audiendum sententiam, sententia ipsa est nulla, [illegible]
[illegible] aliquem ut puniat [illegible] in c. 35. col. [illegible]
[illegible] est [illegible] quaecumque [illegible]
ut [illegible] domo [illegible]
[illegible]
[illegible]
[illegible] quod autem [illegible] probat [illegible]
[illegible] non ex se, sed ex eo quod [illegible] defensionem [illegible] est nul[illegible]
ex defectu citationis, itaque quia Brunaleschi non fuerunt [illegible]
[illegible] aut effectualiter [illegible]
tanto minus quia et ipsamet publicatio sententiae [illegible] lex [illegible]
enim ex adsita publicationis [illegible] promulgata [illegible] ut constat per [illegible]
[illegible] Julii, ut constat [illegible] processu fol. 19.
Responsalibus D. Loe. dici ultimi Junii 1563 in [illegible] processu [illegible] nulla [illegible]
[illegible] lata fuit [illegible] Brunaleschos [illegible]
toto tit. in [illegible] nil novari appel. pendente [illegible]
[illegible] nullitate, et invaliditate [illegible] Brunaleschi [illegible]
[illegible] declaratum est nulla, et nulliter lata. Sed dato quod [illegible]
non esset nulla prout est in rei veritate, et omissa disputatione [illegible]
[illegible] possunt in [illegible] Brunaleschi [illegible]
clarum est in quod [illegible] amittit et acquirat, ut ait Bar. in [illegible]
[illegible]
[illegible] Brunaleschos acquisivisse [illegible]
[illegible]
[illegible]
toto tit. [illegible]
[illegible]
[illegible] Brunaleschos [illegible]
[illegible] coram suo iudice domicilii [illegible] superius [illegible]
[illegible] Plus dico [illegible]
[illegible] coram suo iudice [illegible] in [illegible]
[illegible] cum Brunaleschi fuerunt in possessionem pacifica et quieta [illegible]
[illegible]
ultra [illegible] deponant [illegible]
[illegible] usucapio[illegible]
[illegible]
[illegible] Bal. [illegible]
[illegible] Brunaleschi [illegible]
[illegible] spolia probat [illegible]

ubi er Bal. et in l. i. C. de Iuuil. fis. Matth. in l. ij. per eundem tex. C. de [illegible] opin. a[illegible] Bal. et Pau. [illegible] quod magis procedit cum possessio [illegible] exceptionis [illegible] possessor [illegible] per no. tradita a Bar. in l. cum ne C. co[illegible] et pha [illegible] inquiet [illegible] in l. [illegible] C. de Dona. ante nup. non [illegible] Possidenti [illegible] [illegible] [illegible] forma. Dicens [illegible] non [illegible] dominum possessionem [illegible] non n. [illegible] si non constat [illegible] et soci. in cos. [illegible] in [illegible] princ. in 3° vol. [illegible] Probare ait ex possessionem [illegible] Brunalesti [illegible] [illegible] unde itaque ex diutina eorum possessionem [illegible] et [illegible] nullo modo inquietari possunt cum [illegible] 30 annis [illegible] tex. in l. [illegible] [illegible] [illegible] excep. [illegible] sicut [illegible] omnis C. [illegible] [illegible] 30 vel. 40 an. C. illud [illegible] no. in C. [illegible] quibus [illegible]

[illegible]

... [illegible] in cap. 23, in qo. [illegible] statuto ... [illegible] constitutionem ... [illegible]

[illegible]

... [illegible] Prebendis ... [illegible]

... [illegible] Budig ... [illegible]

... [illegible] contractus ... [illegible]

... [illegible] feribus ... [illegible] lege ... unde ... [illegible]

aut successores possent expelli, sequitur ... non potuisse ... [illegible]

... propria, ita ut ... successores ... [illegible] quia ... [illegible] unde

... possit vendere illud ... [illegible]

... Guidimus autor ... [illegible]

... [illegible]

... [illegible] emphiteuta ... [illegible]

... [illegible] Bal. in l. componit ... [illegible]

... [illegible] emphiteutis ... natura ... [illegible]

... [illegible] in rub. ... [illegible]

... [illegible] contractus ... [illegible]

possessionis, et onor ... dico ... dominium ... pelli ... tradimus

p tex. in l. ... locat. ... colonaris et quod ...

... expelli ... Bal. ...

an. ... sicut emphiteuta, et livellarius expelli non possunt ita ne colo-

nus ... assimilat ... Dfur. exemplis

... locatio in ... non ... contractu emphiteutico ...

... locat. ... innobi ...

... Corn. cons. 166 ... in 2° vol. ... colonus ... non ... sed

... prout firmat

... in cons. ... in l ... p ...

p' ... vol ... pau. ... 63 ... videt ... in l ...

... emphe. ... ad ... possunt ... nego

... videt ... volo et loc' anni 1595 ... ut ...

... confirmationibus anni ... locatis

... fuit ... confirmatio ... 2 ...

... factum esset inter ... quatenus ... collus

... successoribus

... non ... mutat ...

... et in ... et ...

... loc ... in ... plurium

... loc ... in ...

... ratione et in le

... in ...

... inter ... in ...

... appel ... qui ... Dec ...

... in ... in ...

ignorans et in facto proprio ... in ...

... ignorantia ... concessa ...

... successoribus ...

... non habent ... in ... successoribus ...

ignoranti ... est ... Bal. in c. ...

... concludit Guido pap.

... non ... in ... nec ... probat

probat ... cons. 113 ... 21 ... in ... vol. ... et in Dec ... notat

... in gravi ... ignorat ... ibi ...

... in ... 3 ... nondum ...

... in ... pap

... in ...

... 2

... 1558 ... succedit in ... filio, vel nepote ...

[illegible] ut probat [illegible] in [illegible]

[illegible] habent

[illegible] conducere [illegible] et [illegible]

[illegible] et [illegible] et sicut

[illegible] conducunt [illegible] pro tota tem[illegible] solus conduxit

in [illegible]

Demum non potuit [illegible] et [illegible]

[illegible] asserta [illegible] conductionem [illegible]

[illegible] minus [illegible] iudicasset [illegible]

saltem [illegible] adhuc nil relevaret contra Brunaleschi [illegible]

tibus quod absurdum esset dicere [illegible]

[illegible] livellarij [illegible] et non ab aliis

[illegible] testes [illegible] responsiones [illegible] fuerunt, et eo

quidquid [illegible] et sic

quod responsiones [illegible] fuerunt [illegible] non [illegible]

[illegible] cum quia [illegible] facta fuit [illegible]

[illegible] asserta [illegible]

[illegible] et quia non facta fuit in examine [illegible]

[illegible] et quia [illegible] colludentes [illegible] causam

[illegible] ex [illegible] et [illegible] interesse [illegible] in [illegible]

et [illegible] et [illegible]

[illegible]

[illegible] debuerunt citari [illegible] et [illegible]

[illegible] Demum non constat [illegible]

et [illegible] multas temporis [illegible] quicquam [illegible]

[illegible] tum [illegible] tum et quia [illegible]

[illegible] et [illegible]

[illegible] iudicat [illegible] et [illegible] Brunaleschi [illegible]

[illegible] collusio inter [illegible] ad [illegible] Brunaleschi [illegible]

[illegible] et [illegible] tempus [illegible]

[illegible] ipsi enim consortes [illegible] ipsi [illegible] Demum [illegible]

[illegible] consortes [illegible] producti fuerunt, ipsi [illegible]

[illegible]

[illegible] fuerunt [illegible] et simulate [illegible]

[illegible] et [illegible] et [illegible]

et Brunaleschi [illegible] et [illegible] solus [illegible] et

et [illegible] ob [illegible] solus [illegible]

[illegible] et [illegible] collusione [illegible] et fraudis [illegible] Brunaleschi [illegible]

[illegible] nullas [illegible]

[illegible]

[illegible] tandem [illegible]

[illegible] iudicaui [illegible] vel saltem ex ea nullus Brunelleschi
[illegible] ut possit [illegible] casamis siquid
[illegible] [illegible] relequi
quo ipsi Brunaleschi vexationibus [illegible] [illegible]
[illegible] Deo referat actiones, et Iudici ipsi iustissimo [illegible]
[illegible] pro [illegible] relaxatione [illegible]

Flaminius de Rubeis iur. ut. doc.
Urbinensis minimus.

[illegible]
[illegible]

... ex premissis ... por ... Succed ... D. Alexandr...

Spectavit aut Spectare donavit ... D. Lucretie ...

... D. Alexandro ... [illegible]

... D. Lucretia ... [illegible]

... praeiudicium ... D. Lucretie ... [illegible]

[illegible]

... cum ex ... [illegible]

... ex contra ... [illegible]

... non solum ... [illegible]

[illegible]

... Alex. ... [illegible]

... codem ... [illegible]

... Curator ... [illegible]

... mandatum Cum libera. Secundum ... [illegible]

... tutorum aut Curatorum

[illegible]

... non ... praestare auctoritatem non ... pupillo

... quia, ut ait ... dona. ... [illegible]

... aut donatione ... [illegible] ... donare

... tali donationi ... non por ... Alex. ... [illegible]

... Alex. ... Curatori ... [illegible]

... Curator ad donandum ... [illegible]

... ex praem... [illegible]

... D. ... [illegible]

... non ... [illegible]

... actionem tutelae ... dari contra tutorem vel ... [illegible]

... pupillum ... [illegible]

... tutori ... ait ... [illegible]

[illegible]

... de ... [illegible]

... lucro omnino ... concedamus ... posuisse curat...

... non ... [illegible]

[illegible]

e

[illegible] omnis [illegible] minima [illegible]

certe, utrum [illegible] computatur [illegible]

D. Lucretia [illegible]

Capr. con[illegible]

[illegible] arbi. [illegible] contrac[illegible]

[illegible]

se neq[illegible] est.

[illegible]

C. de admi. tut. [illegible] in cons. 2[illegible] in p.º uel. et cons. 213. col. 1. in Corn. cons. 331. nu. 5. in p.º uol. ringuinut [illegible] de re[illegible]

[illegible] additione uenit [illegible], et Lata et leuis culpa, ut supra [illegible] non q[illegible] etiam deliberationem, quam in [illegible]

[illegible] quam [illegible] diligens [illegible] prosequitur Capr. cons. 161. [illegible] nu. 14. Hinc est [illegible]

[illegible] ad [illegible]

[illegible]

[illegible] col. [illegible] nu. 22.

tex. in L. [illegible] C. d. admi. [illegible] et Lucr[illegible] dispensi, ac d. neglentiae [illegible] tex. in L. [illegible] C. d. admi. tut. iuncta [illegible] cons. 13. [illegible] contractuum nu. 14. tex. in L. [illegible] iur. in d. 1. §. hanc actionem [illegible]

[illegible] curator [illegible] D. Lucretia ob culpam deliberationem comm[illegible]

[illegible] D. Lucretia [illegible] aeternitatem [illegible] uostro [illegible] non curant [illegible] non, qualis fuit D. Lucretia [illegible]

[illegible] non necessariam [illegible] esse [illegible] curatoremq. [illegible] transigere [illegible] cons. 435. in prin. et Deci. cons. [illegible], ut inquit tex. in L. transactio [illegible] non [illegible]

[illegible] de dubiis [illegible] nam mor[illegible] et curator [illegible] nullo adhibito cautionis [illegible] hereditas renunciata fuit, ut sup[illegible] et deducitur [illegible] Non [illegible] nisi D. L[illegible]

[illegible] ex aduerso, licet [illegible] male [illegible]

[illegible] in L. [illegible] C. [illegible]

[illegible]

... non est in ... ut hoc casu, quia ...

... fuit ... et ... ignorantia ... qua excusare no ...

... fuisset non facti; sed iuris ...

... elegitur, ut pupillum teneat, et detineat, eo, quia ... ut inquit tex. ... in prin., et in l. i. ff. eo. tit. ...

Aucta ... procedunt cu a principio est dubium ... actus ...

... videt ... tutor, si ... postea male ... sed in a principio ... vel constare ... sit proficuum, vel inutilis pupillo, nec a ...

curatorem ... contraria et vide ias. ... Dominum ...

... decreto ...

... in l. ... et toto tit. C. de praed. min. ... mandat ... cui mandat est iuris. nu. 3. et 4. ... in l. praeses. nu. 17. C. de ... in l. ... C. de rei. ...

quia ... intellige ... si fiat alienatio ... ita ... cum ... alienatio ... non valet, alienatio ... ista ... § si ... alienum ... nu. 1 ... De ... iur ... cum ... mani ... in merito ... in l. ... quod ... loci ...

... non ... interpositum alienationi ... Non ... tale decretum ... interpositum ... nullum ... quae vel ex eo probatum ... concordia ... nulla de aere alieno ... ex ... praescriptione ... fuisset si aere alieno ... sine causae cognitione ... ex eo ...

... ulla diligentia ... pantea fabricati ... prout sequitur ad ... ipso met ... et iudiciale decretum ... ut constat ex ipso met actu ... praedicta ... interpositio decreti intelligitur ...

... vel ... a patrono ...

ram a Principe [illegible] ara tenetur in [illegible] C. i. de lit. contest. in [illegible] Verum sequitur cum narratum sit [illegible] esse util[illegible] fuisse verosimile [illegible] index [illegible] nisi [illegible] cum appareat ex tali [illegible] D Lucretiam nil [illegible] utilitatis [illegible], nec duc [illegible] promissos, servi[illegible] ex falsa ca[usa] interposita [illegible] non obstar[illegible]

hic [illegible] dicere [illegible] cum in congestis [illegible] col. 2. in 3a nol. et q[illegible] decretum [illegible] interpositum [illegible] arg[illegible]

praedictis facit Cons. 82. et Cons. 35. per [illegible] i [illegible] proinde [illegible] l. i. [illegible] haec verba [illegible] decretum interponatur ex causa [illegible] [illegible] nullum [illegible]

[illegible] si index [illegible] Cons. 137 [illegible] decretum [illegible] obtinere [illegible] quia in [illegible] decretum [illegible] non [illegible] Lucretia [illegible] relatio [illegible] in integrum [illegible] cura [illegible] et [illegible] C. si advers. vendi. [illegible] non [illegible] immobilium [illegible] et [illegible] Custodiae [illegible] concludendo [illegible] [illegible] in hac materia [illegible] D Lucretia [illegible] decreto citari faciendo [illegible] immobilium [illegible] institutione [illegible] videantur, licet melius, et cautius [illegible] putem [illegible] immobilium [illegible] [illegible] in narratione[illegible] D.

[illegible] ita consulo [illegible] et consulendo [illegible] [illegible] Rubeis [illegible] cui [illegible] fidem me subscripsi [illegible]

Vtini et in tota patria foriulij uiget consuetudo quod viro uel muliere transeunte ad secunda uota pretio timpanorum ac cimbalorum plausu imponatur talea pecuniaria. oriuntur tamen plerumque maxime contentiones quibus deveniatur ipsi talea. et modo uertitur controuersia inter burgenses Pusciolli ac Vicinos [illegible] ac vico Squarzamantelli quibus illarum solui debere [illegible] per [illegible] D. Josephum Sbruleum Ciuem Vtini, qui duxit in uxorem in secundis uotis Nob. ac formosissimam uirginem D. Auroram a burgo [illegible] burgensibus in quorum contrata suum habet domicilium [illegible] de Squarzamantello ubi commoratur ipsa D. sponsa

Et quidem uidetur dicendum ipsam taleam soluendam esse illis de Squarzamantello quia delictum, seu damnum dicitur comissum in eorum contrata [illegible] de iure in loco ubi perpetratur delictum, criminosus puniri debet [illegible] quia in prouincia [illegible] ubi de crimine agi oporteat [illegible] desertorem de re mili. Sed D. Joseph Bigamus desponsauit D. eius sponsam in contrata Squarzamantelli, ergo in [illegible] debet penam.

Secundo facit, quia uidetur pro ipsa parte pluries fuisse iudicatum in contradictorio iuditio, et per talem actum frequentiam inductum fuit ius, et consuetudo ut no. in l. de quibus. ff. de leg. [illegible] et ij [illegible] que sit long. consuetudo nam res iudicate pro ueritate habentur. l. ingenuum. ff. de statu homi. [illegible] ex quis clare colligitur tacitus consensus populi ad inducendum consuetudinem [illegible] de quibus merito igitur illi de Squarzamantello debent obtinere dictam taleam.

Sed premissis et alijs que forsan in medium adduci possent non obstantibus contrarium uerius esse censeo [illegible] premissam consuetudinem obseruatam contra Bigamos non esse [illegible] [illegible] irrationabilem, [illegible] de iure canonico [illegible] sint pene inducte de iure ciuili [illegible] nubentes [illegible] [illegible] toto tit. C. de secund. nup. [illegible] c. quo. xxxj. q. j. [illegible] fi. [illegible] de secund. nup. Nihilominus ex inueterata consuetudine huius ciuitatis, consensu totius populi comprobata in [illegible] memoriam infamie [illegible] [illegible] que [illegible] de iure Bigami incurrebant. l. liberorum. §. fi. [illegible] his qui [illegible] inf. l.

decreto et eo tit. et d. l. j. C. de secund. nup. retentum, ac per
uariam observantiam ... fuit ... pro iniuria, que per
transitum ad secunda vota infertur coniugi predefuncte. nam
anima eius maxime contristari dicitur fiat ipsi Bigamo talis
pœnas, et mitigatur dicta Talea pecuniaria quia equum est ut
qui in uno, seu pluribus relevatur in aliquo modice gravet
arg. tex. in l. cum qui. ff. de iurejur. et ideo cum talis plu
ries efficiatur et dicta talea imponatur pro ipsa iniuria punienda
esset ad illos solum spectare debet, qui sunt de contrada ipsius
Bigami quia istorum principaliter interest vindicare talem in
iuriam sed Burgenses Pusiovj et Vicię sunt vicini ipsius D.
Josephi Sbruici, ergo de offensa seu iniuria per eum facta prim
uxori defuncte, ad eos solum pertinet vindicta et non ad illos
de Squarzamantello: quod probatur, nam certum est in iure
quod ille primo admittitur ad accusandum qui propensiore de
lore et coniunctione venit et cuius magis interest l. si plures
ff. de accu. l. j. §. fi. ff. de adult. Item pater et dominus
suorum principaliter interest vindicare iniuriam factam filio
vel servo preferuntur omnibus alijs. l. sed et si unus. §. ait
pretor, et §. filiofa. ff. de iniur. et §. servus. inst. tit. de
iniur. et in popularibus actionibus is cuius interest prefertur
l. iij. ff. de popu. act. l. sepulchri. de sepulchr. vio. itemque
vicinos ipsi Burgenses ... principaliter interessati ... iure
vicinitatis preferri debent ad vindicandum iniuriam ...
prime coniugi per D. Josephum prefatum, quia ipsis ...
facta ratione contrate, et domicilij. l. iniuriarum. ff. de iniur.
Eodem modo comprobatur, ius istud oritur ex pre allegata
consuetudine, que obtinet vim legis contra personam d. D.
Josephi, pro obligatione mere personali que non egreditur
eius personam ex qua a principio acquisitum fuit ius ipsis
Burgensibus agendi et prosequendi contra ... D. Jos.
de eorum contrata ... talem quia noxa caput sequitur
l. i. ff. de noxa. act. ... de Squarzamanello sine ulla
actione ... interesse ... ipsis Burgensibus ideo ...

[illegible] [illegible] audiendi, quia nemo sine actione experitur. l. si pupilli §. [illegible]. ff. de neg. ge. l. siquid. §. sicut. ff. de [illegible]. [illegible]. et non habens interesse repellitur à iudicio. l. ille à quo. §. in testamento. ff. ad treb. l. doc. in l. titia. ff. sol. ma.

Vnde rendentur [illegible] in contrarium allegatis non obstat primum arg.^m quia respectu illorum de Squarzanimici, ut [illegible] continet ipse. D. Joseph nullum delictum commisit [illegible] [illegible] quia actum [illegible] citum, et concessum à iure fecit [illegible] et quia [illegible] lege permittente non meretur poenam [illegible] volenti et consentienti non fit iniuria. l. cum donationis. C. de transac. l. [illegible]. de adult. Non obstant [illegible] [illegible] [illegible] iudicatae, tum quia non exemplis sed legibus iudicandum est, tum quia res inter alios acte tertio non praeiudicant, tum quia in casu fori noui ita iudicatum fuit contra forensem, [illegible] infamitas quia in loco domicilij sui forsam non erat talis consuetudo [illegible] ut in isto [illegible] annis immemorabilibus in quibus semper declaratum fuit [illegible] observatum quod per vicinos contratae in qua habet domicilium Bigamus exigatur talis [illegible] et per eos expendatur in [illegible] sua pro remissione iniuriae, et in congratulationem [illegible] cum sponse felicioribus auspicijs. et ita secundum magis [illegible] munem observantiam. [illegible] in hac civitate moribus et [illegible] civium frequentia, ac consensu populi [illegible] [illegible] à senioribus potuisse haberi pena [illegible] [illegible] contra vicinos de Squarzanimicis quibus nec ratione domicilij, nec ratione alicuius obligationis tenetur [illegible] D. Joseph prout ipsis Burgensibus qui eum habent obligatum ex [illegible] [illegible] uxori et ea propter [illegible] ipsam [illegible] [illegible] ab ipso et in loco sui domicilij erogare [illegible] [illegible] noue sponse quia in honorem ipsius D. Josephi [illegible] [illegible] uxoris [illegible] [illegible] [illegible] ad se [illegible] dignum. arg. l. si qui [illegible] [illegible] [illegible]. et glo. in l. [illegible]. ff. [illegible]. C. de [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Puteolij [illegible] [illegible] [illegible] [illegible] [illegible] ipse D. Joseph [illegible] [illegible]

mogia virgine . ang̃ . . in verbo ~~virgini~~ Meretricis . . . . periti
iure . V . . quia pena cumensurata est . l . sancimus . et pen.

ita iuris esse dico et consulo ego Josephus fil. J. V. D. et in fidem

Sicut supra conclusum est dico iuris esse ego Ant. Tortesis. ff. doc.

ita ut sup sentio et iuris esse dico Ego Bernardinus Madrisens . . . habui in facto et obtinui . ante . . . sub Ill.mo D. Petro . . . in causa . matrimonij . q. Ant. Paulini Ade .

ita sentio ego Hier. Mauro J. V. D. et ita vidi practicari et in fi . . . . et sola subscriptione requisitus me subscripsi manu propria

. . . . in sententiam . . . Dnor. consultorum cum ex premissis . . . ex alijs que adduci possent et privatione mulier . commodorum que . . . possent . . . qui vir vel mulier secundo non nubserent . . . transeuntium ad secundas nuptias qui . . . maxime privilegijs et dignitatibus, ideo subscripsi .

. . . . Josephus Bellogradus J. V. D.

. ego Flaminius de Rubeis J. V. D. Venetus sum in opinione sup. prascriptorum ex.m D. Consultorum per rones per eas ex. adductas et ulterius et per id quod dicit D. M. de Marcus Benavidius in suo cons. LXXVI . ubi dicit talem penam imponi ratione incontinentie secundo nubentis, quo in loco in fortioribus terminis . . . virum Bigamum teneri ad talem solutionem . . . Sponsa Bigama eo casu erat . . Praeterea bigamus nudatus est omni privilegio clericali . . clericalis tonsuram potest ferre . ~~[illegible]~~ . . . . sit vel femina Abbatissa quo casu privat vicini . . . . . commodis que potuisset consequi mediate persona transeuntium ad secundas nuptias, ideo in solamen . . . . . talem vicini habere debent . . . et alia rone quia molestia afficiunt vicini . . . obstrepunt tintinnis ac cimbalis . . . . molestiam talem debent consequi . Alia . . . . . temporis angustia excogitari non permittit memini tamen . . . . in hac materia per Luc. de pen. tradita in . . . . de incol . et in quo loco . lib. X . et per . . . . tit. de incol . que referre longum esset . . . . pertranseo cu ex.tis Dnis Consultoribus . . . . . Salvo semper tamen saniori iuditio cuiuscumque . . . .

. . . indicatum fuit . . . per Ex.m D. . . . .
. . . .

c. quisquis LXXXIIII . dist. . . . . de bigamis li. VI .

Emphiteota [illegible]

[illegible] 81.

Tex. [illegible]

concludo [illegible]

[illegible] xxxx [illegible]

[illegible] sed [illegible] nisi [illegible]

[illegible] tex [illegible]

[illegible] Bal. [illegible]

petit. Bal. in [illegible] in terminos [illegible]

[illegible]

sen. in uer. [illegible]

est texi in l. fi. § fi. cum qui [illegible]

et edic. di. hadria. [illegible]

[illegible]

[illegible] videre [illegible]

[illegible] & dona [illegible]

[illegible] contrario [illegible]

[illegible]

[illegible] ex [illegible]

[illegible]

[illegible] contrahentium [illegible]

in emphiteosim, [illegible]

[illegible]

[illegible] ex [illegible]

[illegible] § [illegible]

tractus in forma emphiteosis [illegible]

[illegible]

[illegible] conveniat [illegible]

[illegible]

R i

S [illegible] & [illegible]

[illegible] ad redimendum ex forma legis municipalis, cum [illegible] consolidationum, ut ius cum directo contractus resolvatur in vim simplicis emptionis & venditionis, nam [illegible] [illegible] & utile dominium [illegible] non [illegible] [illegible] tum est potius emptionis, & venditionis [illegible] [illegible] quia constat [illegible] [illegible] pacto, emptio & venditio, dicitur [illegible] [illegible] ex [illegible] [illegible] tione. ff. loca. [illegible] ad [illegible] ff. de verb. oblig. [illegible] [illegible] expressum [illegible] [illegible] [illegible] Bar. in l. i. C. de ser. fugi. & in l. longe [illegible] & temp. praescrip. [illegible] sed quia veremur [illegible] in [illegible] co. tit. in vi.° [illegible] [illegible] est [illegible] quia si [illegible] [illegible] aquationis [illegible] resolubilis sit contractus ex [illegible] [illegible] dictum est, sive non est pactum, [illegible] [illegible] actio, et tunc [illegible] quia cum fuerit resolutus [illegible] sit virtus taciti, & expressi, [illegible] habeo ac si [illegible] [illegible] habeamus [illegible] [illegible] Haec [illegible] [illegible] calamo dictavi: quod si non satis [illegible] latius scripturum ad nutum suae Ex.tiae polliceor, cui me [illegible] [illegible]

[illegible] Rubeis j. v.

[illegible] quo [illegible] [illegible] [illegible]
[illegible]
[illegible] semper [illegible] [illegible] est [illegible]
[illegible] contra [illegible]
[illegible]
[illegible]
Attamen meus qui est in te amor tantam obtinet uim ut [illegible] altera
[illegible] dubitarim. [illegible]
[illegible] tabella demonstrabo. Ad extendenda spatia
[illegible]
[illegible]
[illegible] propositum. Omittam [illegible] externa [illegible]
[illegible]
cum maxime a nullo tradita uiderim. Quibus addendo [illegible]
[illegible] omnino pro [illegible]
[illegible] clarum est [illegible]
[illegible] ore tenui [illegible]
tum ualeat iam tempus et eius ingenium [illegible]
[illegible]
[illegible]
[illegible] sciebar [illegible] consolidacio [illegible]
[illegible]
[illegible]
[illegible]
[illegible] consuetudo [illegible]
[illegible]
[illegible] ignorantia [illegible]
[illegible] ignorat quod omne
[illegible] est lata [illegible]
[illegible]
[illegible] ut dicitur [illegible] quod [illegible]
[illegible] poterit retinere post [illegible]
[illegible]
[illegible]

Et utraque translatoria [illegible] resissoria si voluit [illegible] Ba. [illegible]
[illegible] persona detractus ego [illegible] [illegible] [illegible] sit talis
[illegible] [illegible] [illegible] [illegible] habere [illegible] ius [illegible]
[illegible] [illegible] translatoria Bal. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] Procedit [illegible] [illegible] [illegible] [illegible] [illegible] tamen
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] utile dominium [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
toria [illegible] [illegible] [illegible] plano [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ex [illegible] [illegible]
sed in municipale scriptum [illegible] [illegible] [illegible] tenemur [illegible]
[illegible] [illegible] [illegible] [illegible] ususfructus [illegible] [illegible]
[illegible] secundum distinctionem Ba. Et sic [illegible] [illegible]
[illegible] [illegible] translatoria [illegible] ambigue [illegible] [illegible] ex [illegible]
[illegible] [illegible] in casu scientie [illegible] ignorantie [illegible] [illegible]
[illegible] [illegible] potenter. Pro hac parte multum stringit tex.
in l. si tibi. ff. quib. mo. usus. [illegible] amit. [illegible]
[illegible] in terminis alia declaratione [illegible] [illegible]
[illegible] [illegible] [illegible] est [illegible] [illegible] in l. [illegible] ff. [illegible]
[illegible] [illegible] [illegible] Tiraq. in suo [illegible] [illegible] [illegible]
in 7. glo. [illegible] [illegible] 63. quod [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ususfructus [illegible]
[illegible] a quo [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] quia [illegible] [illegible] [illegible] liberata in illud
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] Solum [illegible] [illegible] [illegible]
[illegible] And. Tiraq. in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in [illegible] retrotrahente, ususfructus retinebit, aut irrevo-
cabiliter utile, [illegible] directum dominium stat [illegible] [illegible]

[illegible] propositu [illegible]
[illegible], ut ipse ait, consanguineus emisset [illegible]
dispositione, aut [illegible], aut [illegible]
[illegible] fructuarius emerit directu[m] d[omi]n[i]u[m] sibi saluu[m] esse [illegible]
ab eo res retraheret ab agnato. Et videt[ur] certe tenor [illegible]
casu proposita q[uaestio] n[ost]ra directu[m] dominiu[m] esse revocabiliter, [illegible]
revocabiliter [illegible]
dicat, si pot[est] co[n]sanguineus retraher[e] ergo [illegible] irrevocabilit[er], [illegible]
revocabiliter co[n]fusa sunt dominia, ergo in [illegible]
[illegible] crede tamen [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] consolidandi [illegible]
Retrahet itaq[ue] agnatus ex L. [illegible]
[illegible]
[illegible] dispositione [illegible]
[illegible] sermone [illegible] ad alterius [illegible] si placet
[illegible] qui sapientiae fons est, gratias [illegible]
mihi [illegible]
[illegible] tibi satisfecerim. corrigenda [illegible]
[illegible] quod tu ipse [illegible]
Vale mi frater amatissime, meq[ue] ut facis ama
[illegible]

Flaminius de Rubeis J.V.D. [illegible]

A.[illegible]

[illegible] in [illegible] est [illegible]
[illegible] in facto, [et] in iure, ideo quaedam ex persu. recitanda sunt, ma[illegible]
[illegible] iuris [illegible] illis [illegible] locis, qui eas [illegible]
[illegible]
[illegible] fuit in rer[um] natura quida[m] D. Girardus à Burgo, Rob.
[illegible], qui fuit avus paternus D. Girardi iunioris [et] [illegible]
[illegible] D. [illegible]
[illegible] Girardo seniori [illegible] 1400 [illegible]
[illegible] Capitulum [illegible]
[illegible] terris Villae [illegible]
[illegible]
[illegible] nullo.
[illegible] anno 14[illegible] in [illegible]
fol. 71. [et] 72. in [illegible] D. Girardum seniorem [illegible]
[illegible] Philippi
[illegible] Stephano [illegible]
[et] [illegible] terris quas habebat in villa [illegible]
[illegible] à [illegible]
[et] à [illegible] ipsi D. Girardo [illegible]
[illegible] 70. [illegible]
[illegible] 2 ios [illegible] Hoc sic praemisso, venio ad prae[illegible] modo
tionem D. Girardi iunioris [illegible] D. Girardi [illegible] [et] [illegible]
dere an ipse [illegible] fundamentis [illegible] meam [illegible].
[illegible] sufficienter [illegible] D. Gi-
rardi [illegible] sufficienter [illegible]
[illegible] [et] fundasse intentionem. Dum n. [illegible] verba 3 p 16
[illegible] dixit [illegible] 17.
[illegible] villa [illegible]
[illegible] D. Girardo [illegible] à Burgo
[illegible] inter ipsas partes [illegible] [et] ad onere solvendi domi-
[illegible]
[illegible] 20 [illegible] annuatim; id [illegible] fuit [illegible] ex [illegible]
[illegible] ex [illegible] fol. 167. t°. [et] [illegible]
[illegible]
[illegible]
in eo instrumento [illegible] sit specificata quantitas [illegible] annui [illegible]missi

olim [illegible] R. [illegible], ac D. A. Strasoldo; [illegible]
[illegible] in petitione D. Joannis patris D. Geor-
gij [illegible] D. Theodorum [illegible] et que in processu
fol. 20. [illegible] petitione q. D. Joannes pater D. Georgij pete-
[illegible] D. Theodori [illegible] condemnari, tanquam possessorem bonorum, que alias
[illegible] D. [illegible], ad [illegible] R. [illegible] et Do-
mini A. Strasoldo [illegible] L. 27 [illegible] et [illegible]
L. 7 [illegible] et D. Strasoldo L. 20 [illegible] idem [illegible]
[illegible] D. Jo. [illegible] ipsum [illegible] D. Theodori, et [illegible]
[illegible] causa fol. 10 [illegible] fol. 51. [illegible] D. Jo.
[illegible] ipsi D. Theodori condemnari [illegible]
in sua petitione ad solvendas R. [illegible] L. 7 [illegible] D. A. [illegible]
L. 20 [illegible] loco Sandrigorum, a quibus causam habebat et
hoc [illegible] spectante ad ipsum D. Joannem. Quod autem sancta
et [illegible] ex [illegible] factis per Sandrigos Domino A. Stra-
soldo [illegible] fol. 41. [illegible] ex [illegible]
~~[illegible] D. Jo. [illegible] D. Georgij [illegible]~~
[illegible] nec [illegible] D. [illegible]
in [illegible] fol. [illegible] ex [illegible]
fol. 22. et ex [illegible] fol. 30. et ex alijs [illegible] ex
ipso processu colligi possunt. Sed [illegible] in [illegible] extitit, quod [illegible]
Sandrigi [illegible] D. Theodoro solvebant [illegible]
[illegible] instrumenti [illegible] D. Ge-
[illegible] hoc [illegible] R. [illegible], et Domino A. Strasoldo [illegible] A. [illegible]
[illegible] est in processu fol. 11. [illegible] ubi [illegible] dicendi [illegible] ex [illegible]
[illegible] et [illegible] ex [illegible] ex [illegible]
in processu fol. 171. et ex [illegible] eorundem Sandrigorum [illegible]
in processu a fol. 223. usque ad fol. 231. necnon ex [illegible] et
[illegible] dicti [illegible] D. Jo. pa-
ter D. Georgij [illegible] in [illegible] obnoxijs [illegible]
ex [illegible] in [illegible] inter ipsum D. Jo.m et D. Theodorum [illegible]
[illegible] a Sandrigis [illegible] in [illegible]
[illegible] in processu fol. 100. [illegible]
[illegible] D. Georgius [illegible]
ab Ex.te D. Vic.o tamen [illegible] in [illegible] in qua [illegible]

[illegible], [illegible] [illegible] ad [illegible] [illegible] possit, ut [illegible] p[er] hanc C. [illegible]
[illegible] [illegible] [illegible] fuit [illegible] [illegible] quod D. Georgi[illegible]
[illegible] [illegible] [illegible] terras quae [illegible] [illegible] [illegible] et [illegible]
[illegible] Sandrigo[?] D. Theodoro vendita, ac [illegible] a D. Jo. [illegible] Dni
Georgij [illegible] e manibus D. Theodori [illegible] [illegible] [illegible] ex[illegible]
[illegible] in [illegible] [illegible] ad [illegible] D. Girardi actoris [illegible]
[illegible] appare[illegible] in [illegible] a fol. 108. usque ad fol. 213. [illegible]
[illegible] D. Jo. [illegible] D. Georgium [illegible] in solutione livellorum
[illegible] R. Capito, [illegible] Stansoldis. [illegible] alijs multis, tum ex eo
[illegible], quod D. Girardus actor integra livella [illegible] solvit, solus, ut
[illegible] ex [illegible] in [illegible] a fol. 68. usque ad fol. [illegible]
[illegible] ex [illegible] factis [illegible] sacro [illegible] [illegible] [illegible], [illegible]
fol. 111. usque ad fol. 162. denique [illegible] ex instrumento anni 1533.
[illegible] D. Jo.m et D. Girardi celebrato et in [illegible] [illegible]
fol. 164. in quo [illegible] [illegible] [illegible] quod [illegible] D. Jo. [illegible]
[illegible] a Dnis [illegible] Stansoldis [illegible] livelli [illegible] [illegible]
[illegible] [illegible] ab anno 1517. usque ad annum 1532. Si itaque
ex praedictis constat [illegible] [illegible] [illegible] faceret D. Gi-
rardi [illegible] [illegible] terras obnoxias solutioni livellariae
annuae 227 [illegible] Cap. et Stansoldis. et si constat [illegible]
terras ipsas [illegible] D. Theodoro et terra [illegible] ab eodem D.
Theodoro [illegible] [illegible] [illegible] D. Jo. [illegible] si [illegible] [illegible]
[illegible] terras ipsas possideri a D. Georgio, [illegible] [illegible]
[illegible] in solutione, [illegible] D. Girardus actor [illegible] solvit quid ob-
stat, quin [illegible] [illegible] necessaria [illegible] ipse D. Geor-
gium teneri ipsi D. Girardo ad [illegible] [illegible] antea [illegible] tempo-
ribus et [illegible] ad annuam solutionem 227 [illegible] Capito, et
Stansoldis. Sed [illegible] nihil [illegible] relinquitur, et [illegible]
[illegible], et [illegible] D. Girardi [illegible] ad [illegible] [illegible] [illegible]
[illegible] in [illegible] dixit terras praedictas [illegible] D. Geor-
gium [illegible] et [illegible] [illegible] [illegible] [illegible] causam ha-
bere a Sandrigo, [illegible] esse [illegible] [illegible] solutione
annui livelli [illegible] 10. [illegible] praedicta livella [illegible] et [illegible]
soldo, quod est livelli [illegible] 10 ex [illegible] [illegible] 1531. fuit [illegible]

ducati in duc. 8. cum dimidio quot[annis] sibi [per]solvendis, mediante fidecatione unius duc. cum dimidio facta [illegible] ioanne ob [illegible] in [illegible] [illegible] [illegible]: Hac [illegible] [illegible] [illegible] facta fuit [illegible] [illegible] anni 1531 [illegible] inter D. Girardum et D. Io[ann]em ut in [illegible] fol. 32. in quo instrumento [illegible] D. Io. [illegible] uno duc. cum dimidio ex duc. 10. quos facit [illegible] singulis annis solvere [illegible] D. Girardo [pro] terris quae [illegible] fuerunt Io. maria [illegible] qui fuit unus ex illis qui [illegible] D. Theodoro, ut videtur [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible] [illegible] tempore [illegible] [illegible] D. Theodoro [illegible] [illegible] anni 1512 manu belloni no[tari]i ~~[illegible] fol~~ [illegible] [illegible] D. Theodoro [illegible] in instrumento anni 1521 [illegible] in [illegible] fol. 171.

Et quod D. Io. maria [illegible] ad [illegible] dicti [illegible] D. [illegible] et ~~[illegible]~~ D. [illegible] modo [illegible] [pro]batur, [illegible] ipsi [illegible] antiqui [illegible] dicti terras D. [illegible] solvebant ipsum [illegible] duc. 10. D. Girardo, ut ex [illegible] [illegible] [illegible] in [illegible] fol. 14. [illegible] [illegible] ex instrumento [illegible] in [illegible] [illegible] in quo [illegible] [illegible] D. Theodoro [illegible] ad [illegible] [illegible] [illegible] [pro] ipsos [illegible] [illegible] [illegible] duc. 40. et [illegible] [illegible] [illegible] [illegible], tamen in [illegible] fol. 14. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] D. Theodorum [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sandrigori. Ex quo [illegible] clare [illegible] D. Girardi habere ius in ipsis terris quia et ipse fuit [illegible] [illegible] [illegible] [illegible] [illegible] D. Theodoro [illegible] [illegible], ut in [illegible] fol. 15. ubi D. et idem [illegible] [illegible] [illegible] [illegible] inter D. Theodorum et D. Io[ann]em [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] D. Girardi [illegible] ipsi [illegible] [illegible] [illegible] [illegible], quae verba [illegible] [illegible] D. Girardi in ipsis terris [illegible] et [illegible] habere. Sed et [illegible] id [illegible] [illegible] [illegible] [illegible] D. Io. in instrumento [illegible] fol. 54. in quo [illegible] [illegible] D. [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] possessionibus sandrigori de duc. [illegible].

Sic ex his omnibus [illegible] [illegible] D. Girardi [illegible] [illegible] [illegible] [illegible], [illegible] sola [illegible] [illegible] ad [illegible] [illegible] [illegible]

Modo si [illegible] sint [illegible] ex quo ius oritur, ut in l. si ex pla=
gijs §. in clivo ff. ad l. aquil. [illegible] tur. sig. [illegible] in
[illegible] C. [illegible] [illegible] [illegible] in respon=
dendo obiectis. Opponitur itaque primo quod libellum formatum per
D. Girardi fuerit et sit obscurus et incertus et ideo non putat
[illegible] doc. in l. edita. C. de eden. [illegible] obiecto [illegible]
[illegible] [illegible] dicere [illegible] obscu=
ritas [illegible] in [illegible] certificationem [illegible] alio [illegible] poss.
immaginari obscuritatem [illegible] dici et affirmari quod [illegible].
Respondeo igitur quod nulla fuit aut est obscuritas et incertitudo,
ex quo dictum fuit in libello D. Girardi quod [illegible] sandrigi [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
Stracoldi [illegible] 27 [illegible] vendiderat [illegible] D. Theo=
doro a Bengo [illegible] D. Theodorus ex [illegible] [illegible]
[illegible] et retro vendidit D. Jo. [illegible] D. Georgij [illegible] cum D. Geor=
[illegible] [illegible] [illegible] et [illegible] et filius et [illegible] ipsi in
[illegible] fol. 235. [illegible] [illegible] positioni D. Girardi, [illegible]
[illegible] ignorantia sed [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et in [illegible] [illegible] a Sandrigi [illegible] D.
Theodoro et a [illegible] Theodoro D. Jo. [illegible] D. Georgij et
[illegible] [illegible] ignorantia in facto proprio max. si factum sit antiquum,
ut in c. [illegible] illorum de sent. exco. Ant. [illegible] in c. ab excommuni=
cato [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] posse [illegible]
scripturam [illegible] [illegible] esse penes [illegible], [illegible] ex alijs [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
§. [illegible] ff. de [illegible] exhi. Sic [illegible] ex [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] aut [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] a principio [illegible] [illegible]
[illegible] fuerit liquidatum [illegible] [illegible] [illegible]
[illegible] sunt [illegible] dixit id [illegible]
[illegible] l. [illegible] in prin. [illegible] 27 C. de eden. [illegible] Rip.
[illegible] D. Girardum [illegible] libellum [illegible] [illegible]

[illegible] illa terra quae fuerunt vendita a [illegible] D. [illegible]
[illegible], et [illegible] D. [illegible] fuerunt obnoxia et modo in
[illegible] ex [illegible] dicitur iam satis [illegible]. Et quod illa
[illegible] vendita modo possideantur a D. Georgio
ex [illegible] omnium testium [illegible] D. Girardi examinatorum
in hac causa, manifestissime apparet. Sic ex his et aliis cornit
[illegible] hoc obiectum, max. cum ad [illegible] [illegible] [illegible]
[illegible] formarum [illegible]. Et ex praedictis
[illegible] alia fundamenta [illegible] illud [illegible]
[illegible] non [illegible] possessionis [illegible] quia dico
nos in [illegible] causa non esse in incerto, sed in certo ex quo
[illegible] D. Georgius possidet illas terras, [illegible]
[illegible], ideo dicimus [illegible] l. [illegible]
[illegible] similiter collitur illud [illegible] adversa fun-
damenta, [illegible] solidi [illegible] sit [illegible], et [illegible]
ad [illegible] D. Girardum, qui possidet ter-
ras illas, quia dico id argumentum [illegible], nam [illegible] fuit
[illegible] D. Georgius possidere, ergo ad eum [illegible] solidi [illegible]
[illegible] D. Girardo [illegible] omnia
[illegible] non nomine D. Georgii, sed nomine [illegible] ideo D. Georgi-
us non tenet, quia quod [illegible] id [illegible]
[illegible], [illegible]. quod tamen fundamentum non
[illegible] quia immo dico D. Girardum solvisse [illegible]
[illegible] D. Georgium nomine ipsius D. Georgii [illegible] ex
[illegible] eidem [illegible] in [illegible]
[illegible] non [illegible] D. Georgii [illegible]
[illegible], quia [illegible], ut supra [illegible]
[illegible] D. Girardus [illegible] solvit et [illegible] D. Geo-
[illegible] negotiorum, quia [illegible] alio [illegible]
[illegible], sine eius mandato [illegible] actione [illegible]
dato [illegible] solvens [illegible] alio, [illegible] actione [illegible]
[illegible] mandati, [illegible] l. si [illegible]
[illegible] C. [illegible] max. D. Girardo [illegible]

[illegible] ... Gerardus ... suam ... accidit ... D. Gerardus ... sua ...
[illegible] portionem ... [illegible] ... portioni
solutionem ... [illegible] ... portionem ... [illegible]
communi dividendo ... [illegible] ... videlicet
... communi divid. ... [illegible] ... m. l.
mihi ... C. de iure empt. ubi id quod multis comprobat
similibus. ... [illegible] ... inter
D. Georgij confessionem D. Jo. cum patre, confitentis tenere ad ...
... [illegible] ... D. Gerardus ... iudicare
D. Georgio filio ... in contrarium est ... quod ... C. de
... [illegible] ... iudicium ... max. ...
... filius ... fraudat legitimam ... [illegible]
et confessio ... nunc ... [illegible] ... alex.
in l. ... mihi ... 128 ... iudicii. Quidem ergo ...
iudicabit ... in eam ... est singularis assertio D. Jo.
ad confessio ... [illegible]
simulatione ... Videbitur ergo quod illa confessio ... extraiudicialis ...
facta ... et simulatione ... [illegible]
... [illegible] ... confidentem ...
... extraiudicialis ... maxime ... iudic...
... filio ... [illegible] ...
... [illegible] ... Gerardi ...
... [illegible] ... portioni ...
... D. Georgii ... [illegible] ...
et simulatione firmata ... [illegible] ... 17.
inquisitione ~~[illegible]~~
~~[illegible] ... ex ... [illegible]~~
~~[illegible]~~ et mihi dubium quod si
... D. Jo. ... Georgij non posset venire contra ...
... si quis in ... C. de ... cum ... ergo nec D. Georgius
eius filius ... supradicta ... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... [illegible] ... ad ... [illegible] ...
in facto ... [illegible] ...

[illegible] actoris, nō ... intra alia supradictam . q. D. Jo. in sua expositione, et
posita in alia Sententia ... supra [illegible] ...
[illegible] ... iudicijs utilius, et posita ... D.
... Sbarsoldis [27] ..., talis
... [illegible] ... nox. ... dominata, ...
... [illegible] ... Acis. 236. et Acis. 97.
... anno lib. xj. ... sicauno ... insom-
... Cass. in ... posi ... nulla
... [illegible] ... in cons. 290. ... et ... unius
... [illegible] ... et congrua
... [illegible] ... magis ...
... [illegible] ...
... [illegible] ...
... [illegible] ... cons. 144. ... col. 3. et sic ... ipsius propria
... [illegible] ... hoc possent ... pro ...
... [illegible] ... Ioannis ... D. Georgio filio, et ...
... [illegible] ... manifestissima ... comine
... celebrata ... ipsū . D. Georgiū et clariss.^{m.} D. cap.^m
... Anno . 1562 . in quo ... fol. 238 . ipse
... [illegible] ...
... [illegible] ... D. ... et sic ex
... [illegible] ...
Sed ... [illegible] ... non obstat,
... [illegible] ... notorium,
nulla ... [illegible] ... nulla ...
... [illegible] ...
... [illegible] ...
... [illegible] ...
... nominationem factā à D. Gerardo sub die ... [illegible] ...
... D. Georgius ... soluit sua portione ... ipse ...
... [illegible] ... quatenus ... omnis principio
... [illegible] ...
... [illegible] ... nobilissimi in ... 20. an. ...
... [illegible] ... sola ... principio ...
... [illegible] ... facta ... libro datus princip.
... [illegible] ... nominatio ... aliquid ...
... [illegible] ...
... [illegible] ... potuit ... [illegible] ...
... [illegible] ... minoris, ... studijs, ...
... [illegible] ... potuerunt ... ipsius domini ... actione ...
... [illegible] ...
... [illegible] ... aliud, quae ... [illegible] ...

Precavimus autem hoc casu cum simus in inquisitoria, ... D. Georgius negat tio ... ad Sivilla, ... Scimus ... [illegible] ... praescriptionem .30. annorum ... omnis ... non tollit nisi per illa obligatione quae fuit iam annis .30. sed ... et ... [illegible] ... annis .30. circa illa praescriptio nil ... vide Bar. ... quia no. est ... [illegible] ... contra praescriptio et quod ... [illegible] ... anni ... quia ... confessionis D. Jo. ... ad Sivilla ... fuit ... et anno ... actio ... vitae ... anno 1501 ... finitum tempus .30. an. cum confessio illa sit facta de mense februarii ... actio ... de mense martii, quia ista modicitas temporis non est habita in consideratione ad excludendam actionem D. Girardi, cum simus in materia ... in materia odiosa ... vulg. Quinimo Guid. Papae in decis. sua ... cccvj. post alios antiquos disputavit hanc q. an s. ... quanto tempore praescribatur adversus annuam praestationem ... dixit ... currit praescriptio nisi a principio cuiuslibet anni, nisi tamen cessaverit in solutio: ... anno ... omnia ... sublatum ... hanc opi. dicit ... fuisse ... Ray. ... et sequacium ... magis communem ... in iudicando ... concludendo ... quicquid vulg. dixerit in contrarium.

... ita ad favorem D. Girardi iudicatum fuit per quidam ... cuius consilio causa commissa fuerat ... [illegible]

~~[illegible] septimo [illegible] ac [illegible]~~
~~[illegible] dispendijs ac litigijs [illegible]~~

D. nob. [illegible] Franc.° Braghino [illegible] contra

+ 84 [illegible]

[illegible] coram [illegible] omnis a uo, san[illegible]
[illegible] gloriosa [illegible]
[illegible] facto. D. Franc.m Braghinu [illegible]
[illegible] tam [illegible] ad [illegible]
[illegible] [illegible] quam m[illegible]
[illegible] ...non recte percipit. Braghinus quod petijt [illegible]
[illegible] non paruerit, et insequitur an [illegible]. D. [illegible]
fuerit condemnatus ad petita, prout in [illegible]. [illegible] Vic[illegible]
[illegible] nullitatis [illegible] utraque [illegible]
[illegible] et quia praecessit intimatio [illegible]
ualiditate [illegible] intimationis. 2° de nullitate [illegible]
ac disceptabitur. Venio ad merita causae. Et certe pro [illegible]
[illegible] Braghinu [illegible] fundamentu [illegible]
cum uere sit [illegible] £ 12 β 12. si in calculo [illegible]
erratur. [illegible] Bonaldus arbiter commissarius [illegible]
[illegible] declarat [illegible] Braghinu teneri Maluolto ad dandu duc. 180. [illegible]
[illegible] summa et amotare terrar. Braghini, ut in sententia, [illegible]
[illegible] in [illegible], et in compromisso [illegible]
[illegible] duc. 113. in [illegible] suo facto. D. Ant.° filius D. Franc.i Braghini
bona fide et ignoranter [illegible] numerum duc. 180. [illegible]
duc. 73. Et tamen creditu D. Franc.i eius patris [illegible] erat solummodo
duc. 113. seu duc. 113 et sol. 4. ut constat ex instrumentis [illegible]
[illegible] Maluolti, [illegible]
non modo duc. 186. de quibus in sententia arbitraria, sed duc. 18. [illegible]
Quod [illegible] haec sinceritate [illegible], quia [illegible] instrumentu [illegible]
[illegible] £ 4 β 7. et expensae instrumenti [illegible]
quae [illegible] instrumentu [illegible] £ [illegible] 17.
cuius instrumenti expensae extractionis sunt £ 3 β 4. [illegible]
summam duc. 47. £ 4. β 13. Et ex uera supputatione [illegible]
[illegible] expensis extractionu [illegible] continet summa duc. [illegible]
et [illegible] duc. [illegible]
et [illegible] indebite solutu [illegible]
[illegible]
[illegible] in Se. dicte [illegible]
[illegible] natura [illegible] quia no est conueniens [illegible]
[illegible] cu [illegible] in compromisso
deducta hanc difficultate, quia dico in compromisso esse uerba huius

[illegible] duc. iij. in circa cuius dictionis natura est ut plane [illegible] in [illegible] ut [illegible] facti recurrens haberi possit [illegible] duc. iij. in [illegible] oportet videri [illegible] ad [illegible] calculi, ut dictio ipsa frustra non sit apposita, et non sit sine [illegible] l. si quando in [illegible] [illegible] l. [illegible] cumulatis in c. 1. col. 4. [illegible] Quod si ad [illegible] recurrit, apparente ipsum [illegible] summe esse credidore, ut superius docui; Nec relevat si dicat imputandum [illegible] qui solvit, quia natura hoc suadet; ut nullus locupletetur cum aliena iactura [illegible] l. nam hoc natura [illegible] condi. [illegible] cum in calculo erratum [illegible] [illegible] non solum semel sed saepius [illegible] errore [illegible] in [illegible] et nigro. [illegible] erro. cal. [illegible] error [illegible] facti [illegible] ideo excusat [illegible] ignorantia [illegible] reg. [illegible] Et [illegible] hoc modo, clarum est [illegible] Bra[illegible] [illegible] ac dispositionem optime fuerit fundata ac [illegible] et [illegible] [illegible] loci [illegible] Et hac [illegible] apparere [illegible] Bra[illegible] [illegible] L 12 [illegible] 12 Quo vero ad aliam [illegible] fuit [illegible] ad [illegible] Bragi[illegible] a [illegible] D. Iac.[illegible] [illegible] filium D. Fra[illegible] [illegible] quod [illegible] [illegible] et [illegible] non extitit [illegible] ~~[illegible]~~ [illegible] [illegible] D. Ant. [illegible] suscipe [illegible] [illegible] D. Iac. [illegible] petit, quod [illegible] videtur, [illegible] D. Ant. [illegible] [illegible] patet ex [illegible] in persona D. Cypriani Bonaldi facto [illegible] ex [illegible] Quod [illegible] D. Iac. [illegible] [illegible] [illegible] [illegible] ut videre est ex actis ultimo [illegible] [illegible] Bra[illegible] et [illegible] [illegible] [illegible] in compromisso [illegible] fuere ut ex [illegible] ex [illegible] [illegible] in compromisso [illegible] [illegible] petendi [illegible] [illegible] sibi [illegible] petendi [illegible] et [illegible] ad manus Bra[illegible] et [illegible] [illegible] remissa a Malvolco, [illegible] et Bragi[illegible] remisit [illegible] [illegible] fuerat et [illegible] [illegible] recordatus, [illegible]

[illegible] in [illegible] Bra[illegible] et D. [illegible] D. Iac. [illegible]

Et usque a principio D. Franc. Braghinus cessit liti mote [illegible] D. Iac. et [illegible] [illegible] dumodo [illegible] [illegible] a maiori [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] pensat [illegible] [illegible] [illegible]. Nec post [illegible] senten
latā à iudice [illegible] competenti [illegible] [illegible] [illegible], cum [illegible]
et sententia arbitraria carcerat. [illegible] [illegible] casu [illegible] [illegible]
[illegible] potuit [illegible] citari et [illegible] [illegible] [illegible] [illegible]
time [illegible] et condemnatus ad [illegible] [illegible] [illegible] [illegible].
Et sic ommissa verbo[illegible] serie et superfluitate [illegible] ex [illegible] [illegible]
[illegible] de bono iure. D. [illegible] Braglium quo ad veram senten=
tiam, maxime cum d. Braglinus [illegible] [illegible] [illegible] [illegible] in
processu quod [illegible] fecit [illegible] in [illegible] scriptū à not° [illegible]
error et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] homi. Nec valet dicere, quod ex adverso [illegible] [illegible] S. [illegible]
[illegible] fuerit ipso iure nulla et [illegible] ideo appellare [illegible] [illegible] [illegible]
[illegible] hoc est [illegible] [illegible], ut [illegible] [illegible] [illegible]
[illegible] et appellat [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. 1° quod
locus [illegible] intercedat. 2° quod [illegible] [illegible] causas fuerit
[illegible] 3° quod [illegible] [illegible] [illegible] sit [illegible] [illegible] [illegible] [illegible]
[illegible]. L. si [illegible] [illegible] marcianus. ff. de iudi. [illegible] [illegible] [illegible] dixit
[illegible] [illegible] C. de aduoca. divers. iudici. [illegible] [illegible] [illegible]
[illegible] [illegible] in casu [illegible] et [illegible]. D. Ant. [illegible] [illegible] [illegible]
[illegible] legitime [illegible] et [illegible] literas et [illegible] [illegible], cum noluerit di=
mittere [illegible] [illegible] [illegible] posset citari et [illegible] fuit
citatus ad dimittendum procuratorem [illegible] [illegible] [illegible] [illegible] quod posset
citari ad [illegible] [illegible] [illegible] ex [illegible] in processu. ch. 3. [illegible] ex
literis ibidem registratis: et icciricò eo modo potuit citari [illegible]
citatus [illegible] d. relationem et literis [illegible] [illegible] [illegible] [illegible]
ex adverso [illegible] [illegible] [illegible] [illegible] immo [illegible] ex [illegible] [illegible]
[illegible] citari, nec [illegible] [illegible] dimittere. [illegible] [illegible]
Firma itaque remanet d. sententia [illegible] [illegible] et cum sententia
habeat [illegible]. L. res indicata. ff. de reg. iur. [illegible] [illegible] viij.
Ne iudices [illegible] [illegible] [illegible] [illegible] iudicat. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] lex. in L. [illegible]
S. [illegible]. ff. [illegible] [illegible] [illegible] [illegible] [illegible] de [illegible]
huc accedit diffinitio [illegible] [illegible] [illegible] [illegible] v. [illegible] xj.
in haec verba. Sententia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible]. inst. [illegible] [illegible] [illegible] [illegible] [illegible]
animo sensissent [illegible]. [illegible] quod sententia [illegible] [illegible]
[illegible] [illegible] in cons. 77. col. [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] sententia. [illegible] [illegible] no. [illegible]. Alex. cons. 63. nu. 12. in. 4 vo.
Et quod [illegible] iustitie, [illegible] [illegible] a [illegible] conti[illegible] [illegible]
.80. mihi col. 2. nu. [illegible] [illegible] vol. Deci. in. c. [illegible] [illegible] [illegible] [illegible]
.175. 176. [illegible] facit. l. ij. C. de offi. civil. iudi. Bal. in. l. sancimus
mihi col. fi. sub nu. [illegible] C. de iudi. Spec. in tit. de emp. et
vendi. [illegible] [illegible] stat. [illegible] Et breviter scias [illegible] [illegible]
[illegible] [illegible] [illegible]. Jure optimo itaque sententie ipse [illegible]
date sunt, et ideo dicendum [illegible] ut inquit Terent. in Eunucho [illegible]
[illegible]. Stat [illegible] sententia. cum maxime in rem iudicatam transivit.
Sententia [illegible] que in rem iudicatam transivit, [illegible] Textu in [illegible]
[illegible] [illegible] [illegible] retractari, qua reg. non solum in civilibus [illegible]
Et in criminalibus [illegible] l. sub specie. C. de re iudi. [illegible]
[illegible] Nec [illegible] principis rescripto contra [illegible] [illegible]
Sent. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
retractari. ut late [illegible] [illegible] Boeri. in tit. de senten. [illegible]
Et sive iusta sive iniusta sit [illegible] executioni [illegible] ut [illegible] [illegible]
[illegible] in cons. 160. [illegible] col. [illegible] Nec post[illegible] in rem iudicatam transivit [illegible]
[illegible] iniustitia [illegible] [illegible] ut [illegible] [illegible] Alex. in cons. 83. nu. 3. vol. [illegible]
Et dixit Corn. cons. 274. nu. 1. vo. 4. [illegible] sententia, que in rem iudicatam [illegible]
[illegible] [illegible] [illegible], liti finem imponit. et [illegible] facit [illegible]
[illegible] iniustitie [illegible] [illegible] revocari. Et idem Corn. cons. ij. nu. 13. [illegible]
vol. dixit, sententie [illegible] in rem iudicatam transivit [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] veritate [illegible] [illegible] idem Corn. cons. 17. [illegible] vol. 1. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] vo. 2. ~~[illegible]~~ quod [illegible] sententia in
rem iudicatam transivit, omnia [illegible] [illegible] [illegible] [illegible]. Et idem
idem in cons. 33. nu. 13. vol. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] (a
dicto [illegible] [illegible] [illegible] dixit [illegible] in cons. 60. nu. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] litigatoris [illegible]
[illegible] [illegible] lata dicitur sententia, quod [illegible] appareat. ut [illegible]
[illegible] Decius. 47. nu. 4. qui dixit in [illegible] 12. sub [illegible] 28. [illegible]
[illegible] que in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] inducit presumptionem iuris et de iure [illegible] ideo [illegible]
[illegible] [illegible] dicendum [illegible] [illegible] [illegible] in [illegible]
[illegible] [illegible] [illegible] iustissimas [illegible] [illegible]
que et iuris presumptione [illegible] [illegible] [illegible] [illegible]
infinitum [illegible] [illegible] [illegible]. Sed ne in infinitum [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ad [illegible] caput [illegible] [illegible]
suscepi quod sententia [illegible] [illegible] [illegible] ex eo quod.

[illegible] [illegible] patroni [illegible] nu. 21. dixit [illegible] [illegible] [illegible] [illegible] iudicatam [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Gibellinum

nō extitit appellatū. c. cū inter. de re iudi. c. abbate sane. eo. tit. in 6.° l. ita cum quis cū duabus seq. ff. de excep. rei iudi. quod aut [illegible] appellatione malevolus constat ex persona, et licet videat [illegible] appellatio, tamen in effectu est nulla ut clarius pateret in [illegible] articulo, et nō dicit fieri quod nō fit legitime et in tempore, [illegible] dicitur [illegible] nō [illegible] [illegible] [illegible]. c. qui ex timore. Xº ita nō facit. de [illegible] l. [illegible] [illegible] ff. de re iudi. [illegible] si [illegible] in ius [illegible] l. iii. §. fi. ff. de pe. l. edificant. §. i. [illegible] de codicil. et late Pau. Ap[illegible] ad Rom. cap. 7. ut [illegible] omnitta[illegible] que [illegible] Et quod sententia [illegible] iniusta trans[illegible] in rem iudicatam late [illegible] Soci. cons. 59. nu. 8. vol. 3. et in [illegible] cons. 135. in prin. in 2.º vol. tenet sententiā de iur. in rem iudicatam transire si [illegible] x. die[illegible] ab ea legitime [illegible] appellare, per tex. in c. quod ad consultationem. de re iudi. in c. cū [illegible] [illegible] et in auc. hodie. C. de appella. vel si appellet [illegible] et in tempore [illegible] prosequatur ut ibidem per [illegible] Alex. Nec obstat si dicatur [illegible] nulla nō transire in rem iudicatā, [illegible] gerit Jac.° Machel. patrsci. i. nu. 22. et spec. in tit. de [illegible] [illegible] xviij. ait a sententia nulla [illegible] appellan[illegible] [illegible] cum allegatis. quod [illegible] ratificari, vel [illegible] ait idem spec. in tit. de iudi. [illegible] §. viij. Xº quid si committens, et in tit. [illegible] leg. §. ij. [illegible] cū sūm que possit adduci [illegible] [illegible] [illegible] [illegible] [illegible] sententias latam ad [illegible] et ideo in [illegible] iudi[illegible] [illegible] [illegible]. Venio modo ad secundum membrum, seu ad secundum articulum, an [illegible] intimatio facta eo modo, quo fuit [illegible] ta tenuat, et dubio [illegible] Sed [illegible] [illegible] quia tex. est in cle. causam. de elec. [illegible] appellans in sententia tenetur alterum ex duobus facere, vel tenorem [illegible] nisi legis facere appellatio, vel sub autentica [illegible] nam transmitteret in intim. ergo idem in intimatione sententie, sed [illegible] transmisisse in presenti causa, ergo [illegible] nō [illegible] [illegible] [illegible] exprimere vel confecie, aut dubio exprimere. l. [illegible] intelligit. l. ita fidei. ff. de in. fis. l. sed et si. §. [illegible] ff. de instito. [illegible] [illegible] illud. ff. qui. ex cau. in poss. [illegible] [illegible] ff. de legi. l. i. §. labeo. ff. de [illegible] cū sūm que solent [illegible] [illegible] Preterea [illegible] facit doctrina Bar. in l. nō solū. §. [illegible]

(Preterea [illegible]

te. ff. de oper. no. [illegible] Modern. in c. cu. [illegible] et qua no. in l. [illegible] C. [illegible] ut. indi. possiden. et in [illegible] cal in cive. [illegible] offi. [illegible] in l. si quis [illegible] ff. de posi. [illegible] in [illegible] causam. [illegible] ubi dicunt doc. [illegible] in quadam [illegible] transmitti copia instrumenti authentica, ut ipsam transmittere et [illegible] possit esse certus: sed in casu [illegible] non fuerit transmissa [illegible] mea sententia. ergo etc. istis tamen non obstantibus puto [illegible] [illegible] puto contrarium esse verius in [illegible] hesitatione et moveor pluribus rationibus. primo ex ipsa intimatione ch. 38. [illegible] [illegible] in qua dicitur quod [illegible] intimat [illegible] die xij. septembris lata fuit sententia ad favorem [illegible] [illegible] in qua ipse fuit condemnatus ad petita. si ergo intimatum [illegible] fuit condemnatus: intimatio [illegible] ad [illegible] petitioni conformis, ut omni [illegible] esse conformis ut [illegible] Ancar. cons. 249. nu. 2. Fulgo. cons. 202. in [illegible] [illegible] in [illegible] in [illegible] [illegible] dec. 372. nu. 3. et dec. 340. nu. 9. Corn. cons. 274. nu. 2. vol. 4. et dec. 70. sub nu. 4. vers. quia omnis sententia [illegible] [illegible] nu. 3. vol. cons. 8. nu. 1. vo. 1. Alex. cons. 72. [illegible] cum aliis. sed si in casu isto intimatio est iuxta sententiae tenorem quae sententia [illegible] petitioni [illegible] [illegible] [illegible] per intimationem [illegible] omni [illegible] ex actis verificatur. l. 3. [illegible] scirent. [illegible] in [illegible] [illegible] [illegible] nu. 13. et [illegible] ad petitionem [illegible] cuius petitioni copia [illegible] et notitia [illegible] [illegible] [illegible] responsione [illegible] ipsi petitioni [illegible] [illegible] [illegible] non respondisset, nisi scivisset contenta in petitionibus, [illegible] sufficere intimationem factam eo modo quo facta fuit, et [illegible] totus sententiae tenor fuisset transmissus. 2.º [illegible] in tit. de appellat. [illegible] [illegible] [illegible] [illegible] tempus [illegible] videtur in terminis [illegible] istam, cuius verba specifica subiecisse volui: Cum ergo (inquit) hoc tempus a tempore [illegible] et scientiae comparet, factus fuit [illegible] [illegible] [illegible] [illegible] iudex copiam [illegible] [illegible] [illegible] ad [illegible] [illegible] fuerit facta [illegible] [illegible] sententia, ergo casus noster in terminis decisus est, quod non est [illegible] tenorem sententiae, et quod non [illegible] [illegible] transmittatur. 3.º moveor per elegantem doc. Rom. in cons. 360. mihi nu. 4. et cons. 5[illegible] nu. 9. [illegible] dixit, [illegible] [illegible]

[illegible] cui intimatur est certus [illegible]
[illegible] alterius certificari [illegible] sufficit. Certus [illegible]
alterius certificari [illegible] eum qui certus [illegible]
[illegible] quod [illegible]
fuerit certus patet ex intimatione, que [illegible] ceperit que sententia
ad petitionem [illegible], [illegible] notitia [illegible]
[illegible] ut supra est dicta scientia [illegible]
[illegible] cons. [illegible] 2. [illegible] quod [illegible]
[illegible] constat ex [illegible] quia si non [illegible] tenorem
sententie, utique non appellasset, sed [illegible] tenorem [illegible]
se gravari sensit, qui [illegible] se sensit gravari si appellat [illegible] lex [illegible]
[illegible] si [illegible] ergo scivit omnia que [illegible]
ergo [illegible] 4°. movetur ex doctrina [illegible]
Panor. in d. clem. causam [illegible] quo in loco dixit
quod ubicumque requiritur intimatio [illegible] cum [illegible]
fiat solemnis [illegible] intimandi [illegible] necessario [illegible]
intimatio illius actus data notitia, quod dicit verum si fiat, ut [illegible]
[illegible] notitia, [illegible] officium requiritur [illegible]
[illegible] traditionem quia tunc bene tenor est transmittendus [illegible]
[illegible] si [illegible] cui fit intimatio [illegible]
necessaria [illegible] legitima intimatio [illegible] scientia [illegible] si vero [illegible]
non requiritur sufficit scientia absque intimatione. [illegible]
in sententia fuit intimata [illegible] non [illegible] cui intimatio
facta fuit, quia non habebat intimatam [illegible]
[illegible] sola scientia sufficiens fuit. 5°. facit doctrina [illegible]
in d. cle. causam in [illegible] ubi dicit [illegible]
sit facta intimatio appellationis extraiudicialis [illegible]
ideo redditur [illegible] tantummodo ad hoc ut causam
[illegible] Rom. [illegible] appellatus [illegible]
[illegible] non tenetur [illegible] in casu nostro [illegible] ad [illegible]
notitiam quia [illegible] sciat [illegible]
[illegible] in tempore [illegible]
[illegible] quod supra dixi [illegible]
[illegible] idem dicit [illegible] 2° [illegible]
intimatio [illegible]
[illegible] intimatio [illegible]
[illegible] 2° [illegible] quod
si appellatio [illegible]
[illegible] tunc [illegible]

licet non sit

via ciuitas [illegible] pars [illegible] Quia nec ei sit facta intimatio
in caus [illegible] in sententia [illegible] in iud. [illegible]
[illegible] quod ad [illegible] intimatio [illegible]
[illegible] § 8 [illegible] quia ego [illegible] ubi [illegible]
[illegible] intimari debeat [illegible] non [illegible]
[illegible] docuit [illegible]
ratio [illegible] Etiam si quo intimatio [illegible]
[illegible] in fauorem [illegible] causam
[illegible] in 3 col. [illegible] non tamen sit [illegible] ratio [illegible]
[illegible] sententia [illegible] fauor [illegible] causa [illegible]
[illegible] sententia [illegible] intimatio [illegible]
non videtur exigi sicut [illegible] appellationi [illegible]
[illegible] fauore [illegible] fauor [illegible] iustitia [illegible]
[illegible] Ex his [illegible] patet responsio ad contraria quibus [illegible]
[illegible] Et [illegible] Non obstat tex. in d. clem.
[illegible] quia ut [illegible] dixi [illegible] intimationem [illegible] intima-
tione sententia et sic in diuersissimis terminis [illegible]
[illegible] Et [illegible] intimationem [illegible]
[illegible] intimari [illegible] dicit quod in-
timari debeat. Praeterea [illegible] diuersi sunt termini intimationis senten-
tiae et intimationis appellationis, nam, ut supra dixi [illegible]
[illegible] requirit appellari [illegible] ad [illegible] ubi [illegible]
intimat sententia, ut in casu isto nullus [illegible] cui intimat re-
quiritur, quia iudicium iam sopitum est, quia ille, qui intimat [illegible]
[illegible] ideo ex diuersis illatio fieri non debet
[illegible] exal. ff. [illegible] mino. cum simi. [illegible]
[illegible] dicere quod intimatio et appellationis [illegible]
non [illegible] in [illegible] ad inferiorem a Papa [illegible] ad Papam
appellat ut [illegible] ad eum deuoluatur [illegible]
[illegible] col. [illegible]
[illegible] minus in casu nostro in quo tractat [illegible] intimatio sen-
tentiae [illegible] intimationis appellationis [illegible] ad inferiorem a
papa est [illegible] interposita [illegible] ad Mag. [illegible]
[illegible] causa dicit tunc copiam appellationis [illegible]
[illegible] sed in casu [illegible] copia
sententia [illegible]
[illegible]
[illegible] ex tenore compellere [illegible] ad [illegible] mittendum, istud intelligit
[illegible] Ita Anto. [illegible]

Alex. in cons. 82. col. pen. in [illegible]

[illegible] ff. de iur. [illegible] Pari modo si iter [illegible] terre

[illegible] sententias [illegible] indi. [illegible]

Ant. et Bar. in c. [illegible] et indi. [illegible]

Alex. in cons. 122. in vlt. col. [illegible] Similiter dicit glo. in c. fi.

[illegible] ubi Anno. et uterque quod illud quod iudex [illegible]

partem victam in expensis et quo in l. [illegible]

[illegible] si a parte [illegible]

[illegible] attentata, et ibi [illegible]

[illegible] iudicium ff. de dam. infec. et [illegible]

in [illegible] et excep. in c. [illegible] col. [illegible] et to. cons.

in c. auditis in fi. et [illegible] in [illegible] causa [illegible] in c. [illegible]

col. antepe. ubi Ant. et Bar. col. xx. [illegible] Bal. in p. nec aut

omnia [illegible] Item si dicat statutum quod iudex [illegible]

[illegible] sententia infra [illegible]

si [illegible] a parte [illegible] Bar. et Panor. in d. c. [illegible]

in [illegible] sub tit. de pa. [illegible] et Alex. in [illegible]

[illegible] in c. i. §. [illegible] et pa. [illegible]

Item si statutum dicat quod [illegible]

[illegible] intelligitur si postulet. Ang. cons. 140. [illegible]

ipsi [illegible] ff. de [illegible] et in [illegible] col. iii. in [illegible]

[illegible] Item si quis promisit aliquem presentare infra. 8. [illegible]

[illegible] Pau. Cast. in cons. 100. Item dilatio quatuor mensium datur condemnatis ad soluendum [illegible] et [illegible] iudi. [illegible]

[illegible] Alex. in [illegible]

Item si quis [illegible] si fuerit requisitus. Rob. in cons. 78. col. ij. in ij. nol. Item [illegible] Bar. in [illegible]

[illegible] col. [illegible] quod si pars semiplene probauit intentionem suam

[illegible] iudex [illegible] quod [illegible]

[illegible] Possent [illegible]

[illegible] breuitatis causa [illegible] pro-

moribus (ut [illegible]) [illegible] satis sublatum [illegible]

[illegible] contraria [illegible]

[illegible] omnia [illegible]

exprimere, fateor, sed dico in casu isto satis clare [illegible]

[illegible] intimatio sententie ad [illegible] dico quod [illegible]

[illegible] quia non fuit [illegible] [illegible] [illegible] [illegible] q[illegible]
[illegible] fuit intimatio [illegible] [illegible] [illegible] [illegible] [illegible]
no sufficit [illegible] dixi [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] omnia [illegible]
[illegible] possunt in fundamentis [illegible] [illegible] [illegible] Ad 3.m [illegible]
obiectum [illegible] responsionem [illegible] [illegible] ad p.m [illegible]
caeterorum in l. non solum §. morte. ff. de ope. no. nu[n]cia. locum habet in
nuntiatione novi operis [illegible] [illegible] requiritur [illegible] novum [illegible]
[illegible] [illegible] eius contra quem fit protestatio, secus in casu isto ubi nullum
[illegible] [illegible] [illegible] [illegible] item illud procedit quando [illegible] [illegible]
[illegible] id [illegible] [illegible] [illegible] [illegible] in casu nostro [illegible] [illegible]
[illegible] requireret [illegible] [illegible] [illegible] est [illegible] [illegible]
[illegible] [illegible] sunt termini. Et sic ex his remanet firma conclusio
[illegible] quod intimatio fuit legitime facta [illegible] [illegible]
[illegible] [illegible] sententia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] efficax. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] respondere, quo ad praesentem articulum ad
id quod parte Maluolti asseritur, quod [illegible] in intimatione [illegible]
[illegible] condemnatus ad petita, et talis sufficiens intimatio [illegible]
[illegible] copiam [illegible] [illegible] copiam non habuit ergo [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] copiam [illegible]
si copiam non habuisset, utique non respondisset. ipsi [illegible] [illegible]
dit, et litem contestatus est. Nec similiter [illegible] dicere, [illegible]
[illegible] [illegible] [illegible] in iud.o et non ipse, qui filium [illegible] [illegible]
mandatum; quia [illegible] id continere manifestam calumniam, et [illegible]
[illegible] [illegible] notorium est quod D. Gregorius eius filius [illegible] sit doctor
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] doctores: omnia
negocia [illegible] [illegible] [illegible] causam [illegible] [illegible] [illegible] [illegible]
omnibus [illegible] [illegible] [illegible] sequitur [illegible] [illegible] [illegible]
[illegible] negociatore et [illegible] [illegible] [illegible] [illegible] [illegible]
non posset ultra quod est tex. expressus in l. exigendi. [illegible]
[illegible] [illegible] [illegible] [illegible], et minor, et sine mandato admittitur [illegible]
[illegible] [illegible] [illegible] [illegible] magis admitti [illegible] [illegible]
[illegible] Ex.[illegible] D. Gregorius maior Doctor, et [illegible] in [illegible]
negocia eius gerens! [illegible] est [illegible] tex. in l. sed nec personae [illegible]
[illegible] [illegible] [illegible] [illegible] sine mandato [illegible] coniunc-
[illegible] admitti. ad idem tex. in l. maritus. C. de procur. ubi maritus

[illegible] in l. [illegible] [illegible] ff. de offi. [illegible]
[illegible]

[illegible] sine man.[illegible]

Cum his premissis [illegible] tacitu[m] [illegible] [illegible] Spant [illegible] [illegible] domini [illegible]

[illegible] contra appel: [illegible] sicuti probat [illegible] libellus contra libellant. [illegible] in [illegible] By [illegible] 15.

pro uxore admittit[ur] [illegible] et sine mandato et ut brevibus [illegible] sunt [illegible] iuris [illegible] Ulterius ex alio dico [illegible] cavillu[m] opiicere malevolu[m] [illegible] mandato [illegible] [illegible] D. Gregor[ius] [illegible] [illegible] Braghini latius [illegible] fuisse [illegible] qui laudavit [illegible] habuit appellatio[n]e [illegible] et [illegible] qui in tota causa intervenit, interfuit cum, faciendo ipsum [illegible] mandato [illegible] tunc [illegible] [illegible] [illegible] [illegible] ergo [illegible] ego [illegible] daret occasio [illegible] eludendi iudicia, quod [illegible] cu[m] hominu[m] malitijs sic [illegible] [illegible] re dicere quod filius et pater una et eadem [illegible] reputant[ur] et quod vox [illegible] vox filij et e regione ut inquit [illegible] in tit. [illegible] quod item et parens [illegible] [illegible] 7.° [illegible] [illegible] in l. si una [illegible] [illegible] 8. pag. [illegible] Aristot. 1. oecono. 8. [illegible] ad [illegible] et vidit [illegible] [illegible] et idem ad [illegible] [illegible] [illegible] pagel. mihi 178. [illegible] [illegible] tex. [illegible] in [illegible] ubi [illegible] in l. [illegible] [illegible] lib. xj. glo. no. in [illegible] [illegible] in l. [illegible] quidem. ff. quod [illegible] ut fint facta videndus Aristot. 8. Ethic. 12. quod si eadem persona cu[m] [illegible] reputat[ur] [illegible] una [illegible] corpus, una caro, et una vox dicitur, quid quaeso [illegible] [illegible] [illegible] potuit pro [illegible] in minima [illegible] [illegible] Accedat quod cu[m] D. Ant.[illegible] pater scivit [illegible] ab [illegible] [illegible] [illegible] contradixerit, saltem tacite mandasse [illegible] dato [illegible] [illegible] speciale mandatu[m] [illegible] intervenisse, ex eo [illegible] quod [illegible] videtur [illegible] mandasse [illegible] tex. in l. [illegible] [illegible] [illegible] c. fi. [illegible] [illegible] seu [illegible] revocatur [illegible] olim in [illegible] contradixit [illegible] l. ij. §. fi. ff. sol. ma. [illegible] quod [illegible] tacito procuratore [illegible] [illegible] [illegible] in c. ex parte decani [illegible] [illegible] Bal. [illegible] [illegible] sol. ma. [illegible] [illegible] in l. [illegible] [illegible] procura. Domi. de Rot. [illegible] 454 [illegible] immediate sequenti [illegible] 54 [illegible] facit tex. in l. [illegible] scientia ff. ad [illegible] [illegible] in l. [illegible] [illegible] [illegible] co. 2. in fi. [illegible] [illegible] in [illegible] [illegible] indi. [illegible] co. 34 [illegible]

[illegible] sicuti mandatu iurisdictionis tacitu ex scientia, et tolerantia presumit ff. l. i. § magistratus. ff. de exercit. [illegible] mandato uno ad aliud [illegible] et sua in fi. ff. de iurisd. om. iud. [illegible] in 5. Domi. de Rota 15. 413. in nouis [illegible] co. 2. [illegible] Ex consignatione quoque scripturarum tacitum praesumitur mandatum ut per doc. praecipue Ba. in l. fi. C. de pac. conuen. et in [illegible] de his qui per calumniam [illegible] C. de epis. et cle. Ang. in fi. de his qui [illegible] in l. mulia in prin. ff. [illegible] Bar. in l. ij. § causa ff. de Carbo. edic. [illegible] in fi. C. de petit. [illegible] Sed in casu presenti si non appareret de mandato expresso [illegible] tacitum presumunt, cum D. Gregorius iura omnia sua patris, et scripturas produxerit, et omnia egerit, que ipse pater fecisset si is in [illegible] ut ex ipso processu est uidere. Ex appellatione quoque interposita presumitur quod filius mandatum in [illegible] habuerit [illegible] interposita a seruis presumendus est quasi approbat iudicium de [illegible] et [illegible] a principio consensisse suum interesse [illegible] et ab eius [illegible] tacite de [illegible] ex defectu [illegible] mandati, sententia confirmata non potuerunt ulterius impugnari [illegible] § falsus. ff. Rem ra. ha. [illegible] post glo. in l. si expressim. in prin. ff. de appella. [illegible] co. [illegible] Et ex his uideo satis sublatum obiectum per partem aduersam [illegible] 3m dubium, in quo tractandum [illegible] appellationi [illegible] quidem appellatio ipsa [illegible] certi n. iuris est [illegible] sententia in rem iudicatam [illegible] x dies [illegible] quod in [illegible] loci [illegible] c. anteriorum [illegible] elec. c. significauerunt de te. [illegible] tex. in aut. hodie. C. de appella. et in aut. [illegible] iiii. ex [illegible] tex. c. anteriorum ad litteram transumptum est [illegible] in c. concertationi. in 6o. infra x. dies [illegible] in c. bene [illegible] in c. quod ad consultationem. de [illegible] concor. [illegible] non [illegible] L. [illegible] quod in [illegible] non sit prorogatum, nec a iudice, sed solum a statuto [illegible] in uerbo Appellatio. iij. [illegible] x. [illegible] cons. [illegible] col. 4. X. quarto [illegible] Sed malnoltus non appellauit intra x dies, ergo appella-

[illegible] sententia in rem iudicatam transiit, cum n. sententia [illegible] pace [illegible] appellare [illegible] inquit [illegible] ex [illegible]
et qui non appellat sententiae consentire [illegible] inquit [illegible] ex [illegible] de postul. in l. ab eo. C. quo, et [illegible] in l. si qui ad [illegible]
appella. in l. fi. C. [illegible] in l. [illegible]
[illegible] comp. cum sim. concor. Et tempus datum ad appellandum infra
x. dies ita currit minori [illegible] maiori. ut [illegible] Jas. in l. prope [illegible] [illegible] no. [illegible] iudi. [illegible] in
tempore [illegible] [illegible] ad notitiam eius [illegible]
[illegible] quia dubium videtur an decendium [illegible] a die
sententiae [illegible] ut in [illegible] in c. quod ad [illegible]
[illegible] in c. cum dilectus. in auth. [illegible]
[illegible] in suo [illegible]
[illegible] quod decendium datum ad appellandum est continuum et [illegible] momento
ad momentum [illegible] affirmat [illegible]
[illegible] idem [illegible]
[illegible] videt in d. [illegible] in auth.
[illegible] appel. et infra [illegible] temp. [illegible] in d. c. anteriore [illegible]
et appella. attamen dato [illegible] praeiud. [illegible] quod a die sententiae [illegible]
[illegible] et non a die latae sententiae [illegible]
[illegible] fuisse extra tempora appellandi [illegible]
[illegible] tractare an a tempore sententiae [illegible]
decendium currat [illegible] appellatio [illegible]
[illegible] interposita [illegible] tempus [illegible] a die [illegible]
a die [illegible] in [illegible] manifestissime [illegible] sive [illegible]
[illegible] sententia [illegible] 2 [illegible]
[illegible] intimatio vero eadem [illegible] 38 [illegible]
septembris. Appellatio vero interposita [illegible]
[illegible] tempora in [illegible] et sic
appellatio [illegible] non [illegible] interposita est post sententiam
sed post 21 [illegible]
computetur a die sententiae [illegible] a die scientiae, contra
[illegible] non fuisse [illegible]
[illegible] in re iudicata [illegible]
me et [illegible] tempore non [illegible] appellatio [illegible]
[illegible] filium interpositam [illegible] ex [illegible]
appellationi [illegible]

[illegible] naturam [illegible]

[illegible] naturam [illegible] x [illegible] sententie appellauit [illegible] et propterea [illegible] appellatio [illegible] appellationem [illegible] [illegible] sententia et [illegible] x [illegible] ut tradit [illegible] in [illegible] sententia xii [illegible] appellatio [illegible] transivit [illegible] ex [illegible] mihi nu. 2. pagel. 325. [illegible] excitit [illegible] cum minime sint causae [illegible] modici praeiuditij in quibus minime [illegible] [illegible] arg. d. c. anteriorum [illegible] si quis affirmauerit ff. [illegible] [illegible] ex [illegible] Accedat doctrina [illegible] § [illegible] tex. in c. [illegible] 24. § [illegible] sunt [illegible] quorum [illegible] personas [illegible] autoritati [illegible] contumaciam [illegible] vel predicta [illegible] [illegible] causam [illegible] tex. in c. [illegible] in c. coniunct. [illegible] c. cum sit romana [illegible] appella. [illegible] in notorijs appellationem [illegible] mitti. Et denique, et tandem finem faciam, [illegible] ex l. 3. § falsus. ff. rem ra. ha. in l. ij. [illegible] in l. licet ff. de iudi. quarum legum argumento [illegible] doc. [illegible] appellat [illegible] nulla [illegible] eam confirmare [illegible] Vnde Alex. in cons. [illegible] nu. 9. [illegible] iniustam dicit sententiam [illegible] cum [illegible] non possit esse sine subiecto [illegible] Iac. [illegible] [illegible] 43. [illegible] appellationem [illegible] [illegible] Et sic constat ex his [illegible] nullitate appellationis, [illegible] sententiarum ac [illegible] consistit [illegible] aperto [illegible] D. [illegible] Braghini [illegible] cuius fauorem [illegible] sententia [illegible] bonum fuisse, [illegible] iudicatum [illegible] sententia, [illegible] male, [illegible] iniuste appellatum parte D. Antonij Manolesia cum expensis prout [illegible] [illegible] credit, [illegible] sperat iudicantis [illegible] integritate.

[illegible] Rubeis J.V.D. unus ex coll. [illegible] [illegible] minimus.

[illegible] Sapiens [illegible]

[illegible]

qui gloriatur, scire, & nosse me, quia ego [illegible] [illegible]
sericordiam & iudicium, & iustitiam in terra, misit [illegible]
cap. ix. [illegible] [illegible] [illegible]

[illegible] & deuote inuocatis [illegible]
Io. Franc. [illegible] Rubeis cum beneficio [illegible]
[illegible]
thero occasione chirographorum [illegible] petita releuatio
[illegible] Rothero, ut dicitur, illata [illegible] Joelem [illegible]
[illegible] similiter [illegible]
[illegible]

quod chirographum manu Rotheri, ut asseritur, exaratum, fuit scrip[tum]
ab ipso Rothero absque scitu, uel mandato heredum uel curatorum
[illegible]

[illegible] [illegible] habito [illegible]
[illegible] ipsum Rotherum [illegible]
mine suo actum est [illegible] ratum habere [illegible]
[illegible] mandatum, & si ratihabitio sequitur [illegible] actio
[illegible]
[illegible] habet actio mandati [illegible] mandatum.
[illegible] mandatario acceptatum, sed [illegible] gessit, [illegible]
[illegible]
[illegible], sed post actionem [illegible] ratihabitio [illegible],
negociorum gestorum, ut Bar. dicit in l. si pecunia.
Si uero ratum non uelit habere quis
cur dicemus gerenti alienum negocium dari actionem contra [illegible]
tum habere, maxime quando quis ratum habere non uult [illegible]
damnosum, non autem utile gestum est, ut in casu [illegible]
[illegible] neque heredes neque curatores eorum possent, et si uellent, ratum ha-
bere, quia [quod meo nomine non est gestum ratum habere non possum],
[illegible]

[illegible]

[illegible] eorum iure ego neque ipsi, neque eorum curatores
[illegible]

Margin notes:

[illegible] mandatum [illegible]

mand. [illegible]

Mandati actio quibus locum habeat

[illegible]

.6.

[illegible] filijs obligationi prius contraxerat & aliud chiro-
graph[illegible] ex [illegible] responsio apparevit. Et quidem maxime [illegible]
[illegible] haeredes vel con- curatores habet [illegible]
[illegible] una negocia gererent inutiliter [illegible]
[illegible] cum regula [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] xvij [illegible]
[illegible]
[illegible] dixit lex in l. cura C. fam. ercis
[illegible] contractu factum ante divisionem [illegible]
[illegible] ex facto, et propterea sequitur [illegible]
[illegible] ex dicta fideiussione [illegible] relevavit [illegible]
[illegible] pagel. mihi 135 in p.o tomo [illegible]
[illegible] fuit in fideiubendo sine causa [illegible]
[illegible] ea fuisse causa, ut [illegible]
[illegible] carpent, quia re vera ex chirographo
[illegible] fideiussi[illegible] a nullo [illegible]
[illegible] chirographum scriptum nomine, ut dicitur
[illegible] recognitum [illegible]
[illegible]

[illegible] dilectos [illegible] in[illegible] [illegible]
[illegible] juramentum [illegible]
[illegible] non [illegible]
[illegible]
[illegible]
[illegible]
a tribus testibus [illegible]
[illegible]
[illegible] nd [illegible]
[illegible] executione [illegible]
[illegible]

[illegible]

qui minor [illegible] cerey [illegible]
bente nō fuit recognitu [illegible]
[illegible] si fuisset reco[gnitum] [illegible]
[illegible] scripsisse, nisi [illegible]
faceret. nec [illegible]

[illegible]
[illegible]
[illegible] in [illegible] [illegible]
[illegible]
[illegible] tuo [illegible] a [illegible]
[illegible] maxime [illegible]
[illegible]
[illegible]
[illegible] monstrum [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible] idem [illegible] Rub. 134 [illegible]
[illegible] ab hore. [illegible] ex. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible]
[illegible] ex [illegible]
[illegible] in [illegible] quod a [illegible]
[illegible]

[illegible] in iudicio, [illegible] d. [illegible]

[illegible] .xxv. [illegible]

[illegible] Item [illegible]

[illegible] xi [illegible]

[illegible] lo [illegible] le [illegible]
[illegible]
[illegible] col [illegible] in [illegible] aliud [illegible]
[illegible]
[illegible] in ipso [illegible]
[illegible] autem locupletior [illegible] cit. [illegible]
[illegible] C. de [illegible] item aliud, quid [illegible] autem excriens mi=
nor [illegible]
[illegible]
[illegible] d. [illegible] quod [illegible] minoris [illegible]
[illegible] bona [illegible]
[illegible] in [illegible] loc. ti. de verb. oblig. [illegible] premitur [illegible] in
[illegible] 12. Et quod torqueri nullo modo possit, ut in l.
[illegible] syllania. in l. de minore. in prin. ff. de que[illegible]
[illegible] casu isto minoris fit in integrum
[illegible] et [illegible] chirographum esset aliquid
[illegible] tot privilegia, tot immunita=
[illegible] et [illegible] sint, qua [illegible]
[illegible] Sic igitur, cum tot remedia
[illegible] ipsis et tot rationibus, ac fundamentis [illegible]
[illegible] nullo modo (directe loquendo) in presen=
[illegible] ad relevandum Rotherum ab assertu mo=
[illegible] contraxisset, quod est falsum, sive cum=
[illegible] sive ipsi cum auctoritate tut. vel
[illegible] non est in integrum restitutione inter pos=
[illegible]
[illegible] minor [illegible]
[illegible] vel [illegible] in integrum restitutio [illegible]
[illegible]
[illegible]
[illegible]

nores in inventum veniat [illegible]
[illegible]
[illegible] ad [illegible]
-nit, et quamvis [illegible] ipse [illegible]
[illegible]
ad ipsum Rotam [illegible]
[illegible] minor [illegible]
ideo id facere potuerit [illegible]
trix, ut et tex. in [illegible] mariti [illegible]
punitur: C. quan. [illegible]
quod illud Aristot. lib. xvij [illegible] animal. [illegible]
matris esse sollicitas, quia [illegible]
[illegible] dici. quod [illegible] tutrix [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
non omni alij iuris et [illegible]
rarum omnia et singula bona [illegible]
[illegible] exstat [illegible]
[illegible]
et [illegible] in mihi [illegible]
[illegible]
tex. Bar. et alij [illegible]
[illegible] tutrix [illegible]
[illegible] testamento [illegible]
[illegible] sit facta tutrix [illegible]
[illegible] iure nostro [illegible]
[illegible]
[illegible]
[illegible]
[illegible]

dicendi quod [illegible] sit [illegible] legitima tutrix [illegible]
sit minorum quia si nolit non [illegible] cogi ad tutelam [illegible] ut
glo. [illegible] tex. firmat in d. auth. matris et auia. in uerbo. [illegible]
[illegible] in utraque [illegible], et uelle et nolle, uoluntas ex actibus praesumitur,
et declaratur. et in casu quidem [illegible] [illegible] [illegible]
[illegible] quod noluerit [illegible] tutrix ex [illegible]
[illegible]
[illegible] scire uoluisset [illegible]
[illegible] tutrix [illegible]
uoluntas sua declarata extitit, ex eo. s. quod non renuntiauit
secundis nuptijs, [illegible] Velleyano, ac alij cuicumque iuris et statutorum
auxilio, sua obligando bona pro administratione, prout tenetur, ut
[illegible]; non renuntiauit et non obligauit [illegible], ergo
noluit tutelae onus subire. quinimmo [illegible] si uoluisset non potuisset
[illegible] renuntiasset, ut supra, prout dictum fuit. Et licet assertum
[illegible] eius commissione scriptum fuisset, non tamen potuisset fi-
[illegible] dicitur, cum tutrix non sit, nec fuerit, et cum minores
ex [illegible] non tenentur [illegible] locupletiores facti sunt, †
et [illegible] qui [illegible] in integrum
restitutionem [illegible] hac omnia superius probata fuerunt [illegible]
[illegible] nulla uia, et nulla [illegible] causa legitima [illegible] Rothorus pr-
[illegible] a molestia [illegible], sed [illegible] sponte, et nullo [illegible]
[illegible], sponte quoque uel iustitia [illegible] debent [illegible]
[illegible]. Tanto magis, quia iam ius disposuit filios ex [illegible]
[illegible] matris non obligari, prout est tex. in l. transactionem ma-
[illegible] C. de transac. l. [illegible] C. de libe. cau. l. ad [illegible] C. de
[illegible] in l. non [illegible]; ff. de [illegible] [illegible]
ff. de [illegible] in l. de [illegible] filior. ff. de [illegible]
et prosequitur eleganter Rom. cons. [illegible]
[illegible]
[illegible] ff. de [illegible] l. quia [illegible]
[illegible]
[illegible]

[illegible] Ro.^mo

Ill.^{mi} atq. Ex.^{mi} D. mi obser.^{mi}

Quoniam (ut [illegible] imperator in auc. de consanguin. et uteri. fratri. in prin.) pauca apud sapientissimos multa sunt [illegible] in presenti causa quaedam tam ex primoribus quidem (ut aiunt) labris [illegible] quaedam validiora exactissimo iudicio sua [illegible] iudicanda [illegible]. Cum maxime verbositatem vitandam affirmet [illegible] orationem [illegible] lib. iii. Aliter quod et Salomon praecavit [illegible] sap. fascinatio [illegible] bona. et Eccles. v. In multis sermonibus [illegible] .xxv. sicut urbs patens et absque murorum ambitu ita vir qui [illegible] in loquendo cohibere [illegible] suum, qua de causa exclamat [illegible] dom. [illegible] cum [illegible] [illegible] Candid. [illegible] Aquil. lib. viii. pagina mihi xliii. et And. [illegible] in [illegible] iiii. [illegible] iii. uol. Et nimis [illegible] relatus ab A. Gel. noc. Attic. lib. xvii. cap. xiii. et [illegible] Macrob. Saturnal. lib. ii. [illegible] mihi lxiii. Sed [illegible] fugere tento Dico Dominum Georgium Candidum [illegible] eius sorore in ius vocata [illegible] ac. de [illegible] Thome [illegible] in casu [illegible] et sic ab impetitis [illegible] absolvendum ex iure [illegible] quia Praescriptione statutaria [illegible] et qua in nostris Constit. patriae Rub. de praescrip. cvii. Non. n. solummodo [illegible] xx. annos [illegible] municipali [illegible] sed [illegible] xxviii. [illegible] terrenum possedit pacifice et quiete [illegible] mediatis suis auctoribus, ut [illegible] ex in [illegible] locationis [illegible] in [illegible] de [illegible] sui auctoris [illegible] motae [illegible] tante praescriptione omnis actio praescripta, sublata, [illegible] et hoc iura sub [illegible] et innumerabilia. Hec tamen solum dixisse [illegible] Sed statutum [illegible] praescriptione xx. annorum in locum praescriptio [illegible] xxx. uel xl. an [illegible] eandem [illegible] arg. l. [illegible] Bal. in [illegible] in l. in [illegible] Calca. cons. xxv. [illegible] Bal. in [illegible] praescriptioni nil posse renunciari [illegible] statutariam praescriptioni [illegible] cap. [illegible] contrario in [illegible] in [illegible] l. tamen si. de. ad macedo. [illegible] praescriptione et minoribus currere [illegible] in [illegible] l. ii. C. de fun. patrimo. lib. xi. [illegible]

Margin notes: [illegible] verbositas [illegible] / De consistentia [illegible] canonis [illegible] Bar. in [illegible] C. de [illegible] xxx. uel xl. an / [illegible] / Praescrip. statutaria [illegible]

... cessitantes ... minore. Bal. in l. auxilium. ff. de minore. in iij. no. et Bal. in l.
... notissimi. C. de prescrip. xxx. an. et ~~[illegible]~~ quod currat et ignoranti,
et qualitercumque impedito, et sic et feriatis bellicis, pestiferisque temporibus quibus sunt
impedi... [illegible] agendi cum sit mere odiosa et odio ... [illegible] ... [illegible]
... [illegible] ... Pau. ... cons. ccxciij. ubi dicit prescriptionem
nam statutariam subrogata ... tempora continuata per Bal. in ... ff. de
... et tempo. praescrip. Videmus ergo ... omnis actio ... [illegible]
est ... tenuerit Bal. in l. fi. in xiij. ... [illegible] ... in ...
nisi triennali ad fi. C. de bo. mat. in persona ... [illegible]
... terminum ad agendum statuit ... cum max. bona fides ... [illegible]
currant prout constat ex processu, et precipue in ... locationis ... [illegible]
... Nec ideo relevat, quod parte adversa fuerit petita in integrum restitutio ... quia in integrum restitutionem petens non est ~~[illegible]~~ is qui deficit sed ... [illegible]
... quia et si Jo. ... petent intelligere ... [illegible] ... maior ...
biennium habeat ad petendum in int. resti. quo elapso ulterius non audiretur prout
de hoc est tex. no. in l. fi. C. de temp. in int. resti. ... Sed ... [illegible]
... [illegible] ... constat Jo. ... 42. ... [illegible] ... tempora
... restitutionis in integrum sunt finita, quod ... in processu Jo. ... esse ...
... patet ex eo, quod testes ... iam annis xxx. is mortis fui. (si bene recordo) patre ...
ex hac vita migrasse et ... dicunt tunc temporis ipsum ... fuisse aetatis
annorum ... xi. in ... [illegible] ... adversarius obtinere, quia ~~[illegible]~~
~~[illegible]~~ in solutione canonis non solum per biennium seu triennium sed per multos annos cessit
~~[illegible]~~ sanioribus auctor ... [illegible] ... in quo casu ex dispositione l. ij. C. de iure
emphit. ... potuit. de loca. ab omni iure suo cecidit emphiteuta n. qui ...
per biennium vel triennium ... solvere canonem, ipso iure cadit ab omni iure
suo ut volunt doc. in ... per eos tex. adeo quod res emphi-
teutica ad proprietarium devolvitur ipso iure, nec libello super hoc opus
est ... proprietario ut ibidem dicunt tex. glo. et doc. et Corn.
cons. clxxxvij. in ij col. ... fi. ... consultationis in p° col.
et idem corn. cons. xvj. nu. ... col. ij in ... et cons. clxv. nu. 26. in
ij. col. et in cons. cclxxj. in iij. col. ubi dicit ... doc.
... auctoritate expellit emphiteutam ... canonis per biennium. et multa ... firmat multis aucto-
ritatibus ... Corn. in cons. ccxxxvij. ... Alex. ...
... cons. vj. nu. 14. ... col. iij. et in aliis locis ... [illegible]
teneri, quod non requiratur nec ... nec citatio, sed ipso iure ... [illegible]

ta, qui p(er) triennium cessat in solutione canonis. Sequitur soci. cons. v. mihi nu. 14. in q. [illegible]
[illegible] et in. lxxviij. nu. vij. in iiij. nov. et cons. cxviij. [illegible]
[illegible] in cons. clxvj. mihi col. iij. [illegible]
[illegible] Dec. cons. cxlvj. nu. viij. [illegible] hanc [illegible]
[illegible] Gozadi. cons. xxxjx. nu. xxv. et cons. lxxxvj. [illegible]
[illegible] et Ancharanus, [illegible] in infinitum [illegible] omnibus [illegible] supradictis ista opinio di-
citur verior et communis [illegible] sententia sic [illegible]
des [illegible]
[illegible] in [illegible] ff. ad. l. corn. de fals. nu. [illegible]
[illegible]
[illegible] nulla dubitatio est, quod ex [illegible] extenditur [illegible] ad [illegible]
[illegible]
[illegible] quod [illegible] expulsione [illegible]
[illegible] docet [illegible] soci. cons. lxvij. col. [illegible] xxii [illegible]
[illegible] casu [illegible] et facies
[illegible] in. l. de quibus. ff. de legi. [illegible]
Et sic ex hac quoque ratione [illegible] Jac. [illegible] cadit omni [illegible] actio-
ne. Quod [illegible] patet [illegible] in solutione canonis per multos an-
nos [illegible] ex eo [illegible] solvit dominus de [illegible]
[illegible] ex [illegible] Jac. [illegible]
[illegible] et chirographo [illegible]
[illegible] facie [illegible] ista totius [illegible] emphi-
teusis [illegible] in [illegible] instrumento [illegible]
[illegible] locatio [illegible] simplicis [illegible]
[illegible] instrumento [illegible]
nullum dubium [illegible] colonus [illegible] quod [illegible]
[illegible] in emphiteusim ex eo arguitur,
[illegible] instrumento ipso [illegible] in
[illegible] solvitur canon [illegible] modica pensio [illegible]
[illegible] emphiteuticarum [illegible] ff. de iur. emphiteu.
[illegible] in locis [illegible]
[illegible] Alex. [illegible] cons. [illegible]
[illegible] modico canone [illegible] ad [illegible] 4. Dato [illegible] quod
[illegible] canon [illegible] omissere
[illegible] alienatio [illegible] alienatio dicitur [illegible]
[illegible] alienatio [illegible]

in cons. cvj. nu. j. in p° uol. alle. c. ff. C. q̃n fisc. uel priua. ubi ait not ... l. ad eū. ff. donat. Sic modo alienans rem emphiteuticā domino irrequisito ... ab omni iure suo, put ē tex. in ... C. de iur. emphit. ubi no. Bar. Bal. Jas. ... ergo similiter ... cū cessio & alienatio ... à patri pcedant. Et quod alienās dño irrequisito ... à iure suo ... emphiteut. ita cōsuluit Alex. cōs. cxiij. nu. ij. in iiij. uol. & cōs. cxjx. ... in singulis locis a iure ... Et si emphiteuta rem emphiteuticam ... irrequisito ... in nouarium: quod ē affirmatur cōs. clxxj ... ij. uo. ... ciiij. nu. iiij. in iij. uol. Et idem Alex. in cōs. xl ... iij. uol. dicit hoc in totum esse uerū, q emphiteuta alienās ... locans ad longū tempus ... à iure suo, ut ecclesia ... absq aliā citatione ... possit ... quia cadit ipso iure, quod ... affirmat in cōs. cxxxiij. & hęc omnia ... in ij. uol. Et ... cons. cciiij. ... uol. i. in cons. clxvj. ... cons. clxiij. ... p° Soci. cons. iiij. nu. xiiij. in ij. uol. Bal. cons. ccccxv. in i. uol. Guid. Papę cons. clxj. nu. i. ... ubi dicit, q emphiteuta rem emphiteuticā uenditurus debet dño denūciare q uult uendere, & quod ... si dñus nolit emere, tunc pōt alienare pro libito suę uoluntatis, si uero alienat nulla facta denūtiatione, ipso iure dño cōmittitur. Sic in ... cū Joannes Cęsarius iura sua (si quę eū habebat) domino irrequisito, ipso iure cecidit ab omni iure suo adeò, quod ... Jac. de Budrio asserens cessionarius absq ulla actione ... Et ... cessio assertę obtinuit locū alienationis ... supius dicta, ponderandū ē uerbū in ea appositū seu uerba apposita, scilicet cessit, tradidit, quę uerba significant translationem dominij ... ac actio ... cum ... cōs. cxcvj. nu. ix. in ij. uol. & cōsiderandū ... in cōtractu emphiteusis clausula ad dandū, donādū, alienandū ... clausula ad habendū, tenendū ... meliorādū ... dicit instrumentū factū in ... Jo. de ocosio ... in instrumento patris Jo. Cesaris ... clausula ad uendendū alienādū ... ex eo ... illud aduersarius ... illa clausula ... potuit ... alienari dño irrequisito ... alienari domino ... requisito ... nō alieni, ut dicunt doc. in locis ... Et Rom. in suo sing. 220. ... in suo sing. lxxxvj. ... Bal. quę utrāq reprehendit, dicēs, quod ... dño irrequisito ... dicuni ... emphiteutam ... & si ... cadit ab omni iure suo ... ex ipso ...

[illegible] cessionarius [illegible]

tamen [illegible] multa obstant contra assertum cessionis instrumentum, nec [illegible]

[illegible] quia [illegible] est facienda [illegible] domino [illegible]

[illegible] potio. in pign. hab. Praeterea notorii iuris est quod [illegible]

tiori non licet [illegible] in sub. quia nec sine liceat potentio. [illegible]

potentio nomi. Guid. Papa cons. clxxviij. num. xj. sed [illegible]

pauperrimus [illegible] cessionarium [illegible] potens [illegible]

nulla, potentior n. semper debet intelligi respectu cedentis, nec [illegible]

[illegible] ut inquit [illegible] in [illegible]

[illegible] talis cessionis in potentiorem [illegible]

quarumcumque [illegible] cedere possit [illegible] pauperiorem agere [illegible] potentiorem [illegible]

[illegible] Rom. [illegible] lxxx [illegible]

quia ius [illegible] sustinere [illegible]

[illegible] ut late prosequitur Andr. Tiraq. [illegible]

Consanguineos § xxvj. [illegible] Sed

emphiteuta non habet directum dominium [illegible] sed

solum utile quia sic usufructuarius [illegible] utile dominium [illegible]

fructu quod [illegible] ergo cessio in casu nostro est invalida.

Praeterea [illegible]

[illegible] ut prosequitur Guid. Papa in [illegible]

[illegible] quod [illegible] potest [illegible]

[illegible] quod [illegible] habere [illegible]

[illegible] Accedat quod [illegible] pater [illegible] cedentis [illegible]

[illegible]

suo. Tempore cessionis nullum ius habebat [illegible] nullum habens ius [illegible]

neque cedere potuit [illegible] nemo [illegible] ff. de reg. iur. glo. [illegible] in

l. i. § cum traditum in [illegible] cons. cxxx [illegible]

nemo n. dat quod non [illegible]

[illegible]

tio. ff. de acqui. rer. do. c. [illegible] faciat tex. in l. [illegible]

[illegible] hoc neque dixit [illegible]

[illegible]

[illegible]

[illegible]

[illegible] .ic. vj. [illegible] iij. ait. Nec [illegible] nisi ignis, nec [illegible] nisi [illegible]
[illegible] dat aeri colorem quem ipsa nõ habet: et id quidem [illegible] est naturale et [illegible]
[illegible] [illegible] quod nulla actioni [illegible] [illegible]. L. [illegible] . [illegible]
~~[illegible]~~ . L. i. §. [illegible] . [illegible] ao. [illegible] posam et [illegible]
L. [illegible] . [illegible] obliga. L. [illegible] [illegible] . [illegible] . [illegible] disponenda [illegible]
[illegible] [illegible] ad ostendendũ, et [illegible] quod iura [illegible] [illegible]
[illegible] [illegible], [illegible] [illegible] [illegible] omnia [illegible], uti Magnificentia [illegible]
[illegible] ignota. Faciat nã [illegible] [illegible] idem ius commune [illegible] ut [illegible]
Rom. cons. cccxxxiiij. arg. L. ius singulare, et L. quod vero . ff. de legi. [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] reintegrari ad possessionẽ [illegible] ex [illegible]
[illegible] et post [illegible], ergo [illegible] nõ [illegible] [illegible] ius [illegible] cum [illegible]
[illegible]. Praeterea And. [illegible] in [illegible] suo [illegible] [illegible] [illegible] . §. xxv
[illegible] in [illegible] [illegible] [illegible] x. [illegible] [illegible] nu. [illegible] 75. tenet [illegible]
[illegible] post [illegible] [illegible] [illegible] [illegible] [illegible], seu vasallagij, quod [illegible]
[illegible] [illegible] et auctoritatis ibi videndis sed si vasallo [illegible] nõ [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] poterit [illegible] [illegible] [illegible] domino [illegible]
[illegible] [illegible] [illegible] et [illegible] eo [illegible] [illegible] emphiteuta fortasis [illegible]
et licet [illegible] videat differentia inter feudũ [illegible] [illegible] [illegible], et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], et simbolizantes ut [illegible]
quia [illegible] [illegible] [illegible], [illegible] . [illegible] [illegible] ut [illegible] [illegible]
L. [illegible] xv. [illegible] iij. [illegible] et si dominus feudi nõ [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] minus dñus emphiteuticus qui minus iuris habet. [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Praeterea idem And. [illegible]
in [illegible] [illegible] nu. 35. et 86. tenet [illegible] [illegible] [illegible] [illegible] vel [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] nõ [illegible] directũ dominiũ vel [illegible] [illegible]
[illegible] [illegible] et [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] nõ [illegible]. Sed [illegible]
indicando nimiũ [illegible], multa [illegible] que possent cumulari [illegible] [illegible]
[illegible] solũ [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] dixit [illegible] [illegible]
act. §. 1. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] tali litiũ [illegible] ~~[illegible]~~ [illegible] [illegible] [illegible] [illegible]
[illegible] animus [illegible] [illegible] [illegible], ex[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible], [illegible] [illegible] [illegible] nõ [illegible]. [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]. [illegible] [illegible] [illegible] [illegible] [illegible]

S.[illegible]

(Flaminius de Rubeis. J.V.D. Et ex coll.[illegible]
doc. [illegible] unus, et minimus.

[illegible]

[illegible] cadigeius [illegible]

[illegible] periurandi [illegible]

[illegible] affirmand. [illegible]

Q. Dos sibi [illegible]

[illegible] sibi tradentur. [illegible]

[illegible]

[illegible]

matris mariae nominibus inuoca[illegible]

[illegible] mete mea aperiant, illuminent [illegible] ac manu dirigant [illegible], que uera sunt in presenti Causa [illegible] ad eorundem laudem, et gloriam [illegible]

Videtur prima facie dictum matrimonium inter d. Phil[illegible] [illegible] contractum fore, et esse dirimendum ex infra dictis.

Primo [illegible] xxx [illegible] tua [illegible] Spiritualis [illegible] [illegible] spiritualis [illegible] matrimonium [illegible] non [illegible]

et est ratio, quia cum susceptus [illegible]

filius spiritualis suscipientis, si inter filium suscipientis [illegible] suscipientis contraheretur matrimonium [illegible] coniugem [illegible]

2. Soror [illegible] quidam absurdum uidetur [illegible] concedendum [illegible]

[illegible] Cymonis miciades graeci filii exemplo, qui sororem [illegible]

3. 2. item omnia, quae fiunt contra leges et canones [illegible]

[illegible] non [illegible] et lege c. [illegible] dist. [illegible] contra dicimus xxxv q. [illegible]

[illegible]

3º. Secundo datur p[ar]s [illegible] cui [con]tractus [illegible] est perfectus. [illegible] no [illegible]
[illegible] L. si pedania [illegible] L. arte. [illegible]
[illegible] in L. rogasti [illegible] [illegible] [illegible]
tro contractus matrimonij minime uidetur perfectus, stante quod no fuit
dis[pensatio] cum suo impedimento, et quia no fuit [illegible] [illegible] [illegible]
[illegible] [illegible] ergo locu in [illegible] cu maxime [illegible]
[illegible] opera[illegible] unius dici, et alia [illegible] L. si [illegible] S. liberus [illegible]
Condi[ctio] indebi[ti].

4º. stringit tex. in [illegible] c. [illegible] cogna[tio] spiritua[lis]. ubi [illegible] si sit [illegible]
ta copula in matrimonio [illegible] inter filios [illegible]
[illegible] alteri [illegible] [illegible] et tale matrimoniu est dirimendu
ergo [illegible] per hoc respondetur ad id quod [illegible] copula [illegible] [illegible]
set adduci [illegible]

[illegible] anima cunctis rebus est pre[ferenda]. L. [illegible] [illegible] [illegible]
[illegible] pro anima [illegible]
suis tecor. [illegible] quia in tribus [illegible] [illegible]
capit [illegible] in ratione discernite, que [illegible] assi-
milat filio, qui [illegible] est sapientia discernes [illegible] in coelo
et [illegible] in [illegible] [illegible] Spiritu sancto [illegible] qui
omnia bona [illegible] confirmat [illegible] glo. [illegible]
simplex omnino. [illegible] conclusio [illegible], quod et philosophi [illegible]
ex omnium theologorum sententia [illegible] [illegible] [illegible]
[illegible] in [illegible] lib. xxx. [illegible] [illegible] insto. dia. x.
[illegible] lib. xxxiiij. [illegible] dialo. xj. et [illegible] iij. [illegible] xxxvi.
Quam [illegible] rationibus anima cunctis rebus sit præferenda, sequit[ur]
no posse subsistere tale matrimonium, quia sequuntur ex eo [illegible],
et [illegible] animæ et qui facit [illegible] [illegible] peccabit animæ
suæ est [illegible] [illegible] xij [illegible] [illegible] anima dispendiu
tale matrimonium est dirimendu.

~~[illegible] omnibus [illegible] tamen [illegible] [illegible] [illegible] [illegible] no [illegible]
contrariam opinionem [illegible] in casu [illegible] [illegible] que
brevibus ita [illegible] [illegible]~~

6° facit quia matrimonium in casu nostro fuit factum illegitime et in ca[su] prohibito et ideo succedit regula [illegible] quod factum [illegible] dicitur [illegible] et pro infecto habetur ac si factum non fuisset tex. [illegible] in [illegible] qui [illegible] cui [illegible] facit l. i. ff. si quis in ius voc. non ier. l. ij. [illegible] ff. qui [illegible] et similiter non videtur posse qui [illegible] honeste pot. glo. in l. vulgo concepti in ver. non licet ff. de [illegible] l. fi. ff. de condi. instit. [illegible] ff. [illegible] Item non dicitur fi[illegible] legitime fit [illegible] condemnatum ff. de re iudi. l. [illegible] ff. de [illegible] ff. ad tertyl. l. conficiuntur § i. ff. de codicil. l. ij. C. de succes. edic. Pau. ad roma. cap. 7. [illegible] est glo. no. in qui ex timore [illegible] ita non facit de reg. iur. ergo.

7° Papa non [illegible] uti plenitudine potestatis [illegible] in [illegible] fundata in ratione [illegible] consuetudo [illegible] dise. papa non debet a iure ordina[rio] sine causa recedere. Inno. et abb. in c. innotuit de elec. Sed in casu nostro non est ratio seu causa talis quod papa possit uti plenitudine potestatis ~~ergo~~ in dispensando. ergo.

8° verba futuri temporis non inducunt matrimonium [illegible] verba praesentis temporis [illegible] accipio te in uxorem [illegible] ex parte [illegible] de sponsa[libus] [illegible] de sponsa. [illegible] Sed nunquam constat in processu quod fuerint [illegible] verba temporis praesentis, sed tantum [illegible] futuri ergo [illegible] quia [illegible] sunt in contra[rium] arg.° l. quod [illegible] de [illegible] Arist. [illegible] Arist. [illegible] Ethico.

9° Matrimonium metu [illegible] ipso iure est nullum tex. est in l. titia si pro[illegible] ff. de verb. obliga. l. si mulier § si dos metu ff. quod me. ca. c. cum locum de sponsa. glo. in l. i. in [illegible] ff. de [illegible] B. [illegible] col. v. oldra. cons. 25. glo. in c. constituit 20. q. i. glo. no. in c. ij. [illegible] ij. de eo qui dux. in uxo. quam pol. per adul. nod. in [illegible] tra. [illegible] cum aliis multis quae possent adduci. Sed in casu nostro [illegible] dicit [illegible] et [illegible] [illegible] ergo. [illegible] cum matrimonia [illegible] [illegible] c. ad locum [illegible] et quod [illegible] in glo. in [illegible] de sponsa. c. de illis [illegible] de sponsa [illegible]

Haec sunt quae videbantur [illegible] falcem ad radicem [illegible] Quibus tamen minime obstantibus, prout revera non obstant, conclusiones

Opinionem d[...] arbitror veriorem ad quam i[...] inferius dicenda cu[m] responsionibus ad obiecta faciendis me movent.

Et p[rim]o considero quod matrimoniu[m] est favorabile, et multa favore matrimonij conceduntur, que alias n[on] concede[rentur] [illegible] causa a communibus [illegible] sepissime recedatur, p[ro]ut ex his omnibus vulgata sunt iura [illegible] transactio ut remaneat matrimoniu[m] [illegible] ut tenet Bar[tolus] post glo[ssam] in l. [illegible] ff. de transac. Et [illegible] pro matrimonio quam pluribus dictitibus [illegible] ita Abb. in c. fi. de re iudi. quare Jo. Chrisost. homil. 63 sup[er] 19 cap. Matth. dicit iniquum esse mulierem a viro suo dividere, ut dicitur in c. [illegible] tis de consangui. et affin. glo. in l. [illegible] Alex. in [illegible] [illegible] col. 5 [illegible] 9. 2. [illegible] quod homo n[on] [illegible] separare [illegible] matrimonia prius [illegible] in Celo quam in terra [illegible] exemplo filie Raguelis [illegible] ostendit [illegible] septem maritos demon prima nocte interemit [illegible] filia illa Tobie pro[illegible] ideo angelus Raphael Raguli patri [illegible] dare tobie ait, Noli timere [illegible] quoniam huic timenti deum debetur coniux filia tua [illegible] alius n[on] potuit habere illam. et quo Tob. vij [illegible] illud matrimonium a deo esse [illegible] Aug. i[n] oeconomi. dicit uxorem [illegible] deorum [illegible] illud quod legitur in c. [illegible] dissolvitur [illegible] circo cu[m] matrimoniu[m] sit favorabile [illegible] in claris [illegible] in dubijs [illegible] tex. in c. ex literis de proba. c. fi. de re iudi. c. quod me interrogasti [illegible] femine dict. 35. videtur, immo concedu[m] est, et iudicandu[m] pro matrimonio cum hec [illegible] licite ac [illegible] in presenti [illegible]

[illegible] vulgata [illegible] dicit [illegible] quod [illegible] possit amplius displicere [illegible] de transac. l. [illegible] [illegible] plu. [illegible]

[illegible] l. si quis [illegible] [illegible]

[illegible] [illegible] et de viijs tuis [illegible] voluntatibus [illegible] ore tuo locutus [illegible]

[illegible] dicitur. [illegible]

[illegible] quia [illegible] et [illegible] recipere [illegible] uxorem [illegible] [illegible] probationem [illegible]

[illegible] ratio [illegible] Roma [illegible] 290. [illegible] supplicatio [illegible]

[illegible]

[illegible] per eius [illegible] [illegible] adhuc [illegible] 17. [illegible] maior [illegible]

[illegible] [illegible] dispensatam [illegible]

executioni [illegible] Tiberiano [illegible]
[illegible] hic dissensus parentum in [illegible] conferendis [illegible] om
parentum excludit tamen n est iste dissensus [illegible]
[illegible] ad principia actionum redire iux. tex
in l. si [illegible] transac. Similiter modo [illegible] idoneo [illegible]
[illegible] fidem [illegible] in auc. [illegible]
romana [illegible]
Amicam [illegible] tex.
[illegible] Si pretor. ff. [illegible] consensus parentum [illegible]
quod [illegible]
[illegible] parentum consensu [illegible] iux. [illegible]
[illegible] falsam [illegible] facere quod [illegible]
[illegible] adhibeatur [illegible] idi.
mihi fol. 41. nu. 28. [illegible]
ne [illegible] quod [illegible]
[illegible]
posita est glo. in l. i. ubi et Bar. [illegible] in l. y.
§. sed [illegible] dictus in [illegible] tam par
[illegible] ponationi [illegible] immo [illegible]
[illegible]
[illegible] vicerat
[illegible] ut [illegible]
[illegible] glo. [illegible] §. et [illegible] in auc. [illegible]
[illegible] Bal. [illegible]
§. conditionem ubi et immo [illegible] Bal. in l. [illegible] tex. [illegible] sa[illegible]
in l. [illegible] Ant. But. et immo in c. ex litteris [illegible]
Quis itaque [illegible] hunc partum [illegible] maxime [illegible]
[illegible] sit [illegible]
[illegible]
Si matrimonium hoc dissoluatur, pactis, copula, susceptione prolis
[illegible]
S. [illegible]
[illegible]

...spensatū cū maxime per [illegible] ... [illegible] dispensatio ... ea n. omnia que [illegible] proximo sunt [illegible] pro iam peractis habentur ut in [illegible] statim [illegible] quoniam [illegible] habentur uolunt et quo et tex. m. ... simili modo id quod statim est peractum pro iam peracto ... ut ... tex. in L. si quis ... ff. pro empt. ... illud dicitur ... quod paratū est ut ... L. item legato ... in auc. et exac. dot. inst. ... facit et tex. in L. ... ff. ... institu. ubi habetur quod ... deficit illa conditio, quam constat ... defecturam ex ... iuribus constat ... fuit, et in casu nostro habere pro dispensato cū rescriptum impetratum ac praesentatum fuerit ... statim fuerit ... et aduertendū est hic quod ... in executionem ... factę per Philippum ... pleb... et concordij inter ... multas fecit expensas in obtinendo rescripto dispensationis, quo fit ut si dissolueretur matrimonium, nō modo cognita carnaliter ... et pregnans reddita fuisset, sed etiam hoc fuisset ... quod substantię suę bonam et satis magnam partem ... dispendisset ...

6. Facit quia in rescripto impetrato ac praesentato est clausula derogatoria geminata ... nō obstante tali impedimento spiritualis cognationis et in fine dicit, nō obstantibus quibuscumque in contrarium, quę maioris est ... cū geminata quam si simplex ... et uis istius clausulae in rescripto apposite ... Ioh. ... in ... col. 6. ... tali clausula ... statibus ubi dicunt, hoc maxime procedit ... in iuribus ... clausula derogatoria ... ribus adductis ... opinione ... nulla est ... derogatoria ... clausula derogatoria in iuribus contrarijs ... nō obstante ... clausula nō obstantibus ... geminata ...

... [illegible] in certo cognatione spirituali. et quo casu Roc.
Cast. in suo tract. de impen. quaest. ... ad fi. vers. notandum tamen
est ... quod sufficiat clausula non obstan. aliqua ... in rescripto
... legum ... et ... [illegible] specificetur
... obstan. ... Bar. in l. ... cod. ius uel ... ad fi. Bal.
in § ... col. j. vers. ... hic ... const. et tenet
Bar. in ... tract. ad ... vers. non obstantibus. et in l. i. ff.
... quod ... Alex. cons. 103. in 4. col. et Pau. Cast. in cons.
57. passus iste. quod ... in ... principii ... in casu no-
stro, qui ... scire ... singulari ... sed ...
... sufficit generalis ... ita Bal. in auc. navigia ... et ...
Pau. Cast. in l. humanum ... no. ... et ... latius ...
... cod. ius ... et tanto magis ...
clausula generalis ... ius tertii ... in casu nostro ...
quo nullius ... ius, stante quod in supplicatione concurrit ...
consensus philippi ex quo ... illud ...
fieri iniuria, ... in ...
... clausula non obstante tali impedimento ...
in ... tenet Bal. in l. fi. col. ij. ...
in ... falsa vers. ... col. 3. et ...
... non ... sed quod sufficiat ...
... in l. ... § ... et ...
facit ... et ... in ... hoc ...
... Abb. in ... col. ...
cons. 2. 7. et 8. in 5. col. et ista clausula non obstantibus ...
... quando si singula ... essent ... Bal. in l. ...
... loc. ... in l. ... si contra ius
uel ... in l. ... et ... imp. ... Alex. cons. ... in
4° col. facit ... clausula ... presumi ...
plenitudinem potestatis et facit ...
... Bal. in l. si ... col. 2. vers. ...
... in ... col. 27. ... noua ...

[illegible] Ex quibus omnibus, et alijs, que potuissent adduci que tamen bre-
uitatis causa ommitto: concludi pot[est] [illegible] maxime geminatam
[illegible] et iuri comuni derogat, ac constat principem uolui-
sse uti plenitudine potestatis, [illegible] rescripta in casu nostro impe-
tratu, [illegible] et si directo contra ius esset [illegible]
~~[illegible]~~
Facit causa et ratio in ipso rescripto allegata dum dicitur, quod mag-
na gravia scandala exorirentur et fuissent exorta, ni ~~fuissent~~ dispensatum
quod quidem [illegible] evitandum [illegible] non ignoratur [illegible]
scandalum evitandum multa conceduntur que alias minime concederentur,
ut inquit Spec. in tit. de inquisi. § [illegible] dixit Deci.
[illegible] prudentia. nu. 55. de offi. dele. quod periculum scandali facit ut ab
ordinaria iuris dispositione recedamus. [illegible] dicit, quod [illegible]
et [illegible] scandali, quia alias non [illegible] et [illegible]
periculum scandali evitetur [illegible] nu. 56. et 57. et idem Deci. in c.
at si clerici. § de adulterijs. nu. 63. et 64. de iudi. dicit. quod dis-
pensatio [illegible] alias concederentur causa evitandi scandalum, non conceditur. et sic et
e contra dispensatio conceditur ut scandalum vitetur, que alias non [illegible]
[illegible] no. [illegible] in c. quia circa. de consangui. et affi. ~~dixit~~ facit tex.
in c. [illegible] de [illegible] et Card. Rom. cons. 107. et plus dixit
idem met Deci. in c. quoniam contra. nu. 24. de proba. quod de ratione
scandali evitandi papa disponi potest. Quid ergo in tam claris [illegible]
[illegible] non [illegible] solum victoriam [illegible] cum maxime notum sit
utramque partem [illegible] iuxta [illegible] suam, potentem, ~~[illegible]~~ Hec esse di-
cendum [illegible] causam scandali, quia clarum est quod si non sequitur tam
matrimonium ~~[illegible]~~ [illegible] pro ulciscenda iniuria ad arma deve-
nirent ~~[illegible] scandalum~~ presumatur ex [illegible] infamia, ut inquit
Deci. in [illegible] c. at si clerici. nu. 70. et 72. de iudi. Sed que
maior infamia [illegible] mulier [illegible] atque pregnantem [illegible]
dicam, uel meretricem [illegible] honori [illegible]
[illegible]
[illegible]
[illegible] opinione mulieris, honori et prudentia respondit [illegible]
[illegible]
[illegible] oecono. [illegible]

unius hominis ... suis privari ...
... Cum facto ...
... honori sui ...
tuos crudeli. Praeterea ...
et in ... sed ... hac ... alijs admi-
nicul... in casu isto ... super isto
impedimento cognationis spiritualis dispensare ... posse ex-
ceptionem impedimenti cognationis spiritualis ... ut infra docebo.
... ex iam dictis liquet manifestissime.

8. ... fundamento faciat ... auctoritas ... potissimis ...
... in casu ... subsistentibus maximis
tot rationibus et legitimis causis ...
...
... Joann. ... Quod dixit tex.
... quod et ...
Castrensis ... in ... milit. ... in quibusdam
Sig. et Deci. in ... consti ... canonis ...
... caput totius ecclesiae ...
tex. in ... c. fundamenta ... in extravag. Boni ...
unam sanctam in tit. de maio. et obe. ...
Abb. et alij post glo. in c. novit. de iudi. ... col. subsc-
ribitur ubi ... habere utrumque gladium s. temporalem et spiri-
tualem ex ore christi ...
... 22. ... unam sanctam ... Boni-
facij 8 in fi. dicitur, quod ... omni humanae
creaturae subesse ... pontifici ... in ...
novit. de iudi. ... Deci. in ... canonis
...
Non mirum itaque si in casu nostro potuit dispensari ...
... dispensare ...
... Deci. in c. ... num. 44 ...
... divinum dispensare ...

prae allegato loco nu. 45. usque ad nu. 51. dicit papam posse in omnibus dispensare praeterque in articulis fidei, idemque in c. caeterum nu. 27. et rescripti affirmat papam posse quod a principio nullum est confirmare, quod vero dixit in c. causam matrimonii nu. 18. et proba. quod papa potest dispensare quod corrupta possit in abbatissam eligi, licet sola virgo possit eligi ut ipse tenet [illegible] nu. 17. quae omnia sola voluntate perficit papa, ex mente et doctrina [illegible] in c. [illegible] in principio [illegible] nu. 17. et dixit Rest. Cast. in Valle [illegible] et imperio q. Lxviij. nu. xij. et q. Lxxxj. nu. [illegible] iij. et xv. quod papa ex causa et imperatorem potest deponere. et Bal. in c. ex parte el. 2° nu. 2. de offi. dele. quod papa si vellet posset tollere iura et defensiones partium. Et quando papa de plenitudine potestatis [illegible] non potest opponi [illegible] Rebuf. in praxi benef. vers. Gregorius [illegible] nu. 34. sicuti in casu nostro in quo habet papa [illegible] plenitudine potestatis per clausulas derogatorias, ut dictum fuit supra in 6° fundamento istius partis, ergo nil potest amplius opponi contra [illegible] admini[illegible] quod cum [illegible] accedat quod in [illegible] adducit Rest. Castal. in d. suo tract. de imperio in q. 35. [illegible] et Pe. de Ancha. in cons. 374. revocatur in dubium [illegible] dicentes illud [illegible] quod papa omnia potest, locum habere in iis quae sunt iuris non autem in iis quae sunt facti naturalis, ut puta quod unus locus sit duobus, quia impossibilitas naturae et circa facta non potest fingi, ut [illegible] ex quo sequitur in casu nostro dispensari potuisse cum non circa factum sed circa ius fuerit dispensatum. et papa dispensare potest in matrimoniis contractis in gradu prohibito [illegible] non [illegible] cum [illegible] de consangui. et affini. Et papa [illegible] .1.
inducere impedimentum quae impediat contrahenda et iam contracta matrimonia dirimat ut toto tit. 4. decretalium et circa matrimonia initiata carnali copula non consummata papa [illegible] ad [illegible] nu. in c. ex publico. de conver. coniuga. Sed circa matrimonia iam carnali copula consummata non videtur quod papa possit illa dissolvere, cum homo non separet quos deus coniunxit [illegible] de consangui. et affi. [illegible] matrimonij [illegible] sed non ratum de quo in c. V. de divor. et sic [illegible] potest super impedimento [illegible] et [illegible] .2.
omnino quod tradit Pet. de Ancha. in suo cons. 231. per tot. [illegible]

cons. 374. per totū ubi cōclusiue tenet per multa fundamenta [illegible] au
ctoritatem demonstrando, nepotem posse in uxorem accipere eā, quę patrui sui
prius uxor extitit, cū papa dispensatiui et tenet [illegible] casu [illegible] posse
dispensare, licet iure diuino cōtrarium [illegible] reperiatur cantum ut [illegible] xviij. [illegible]
[illegible] patrui tui nō reuelabis, quia nō accedas ad uxorem eius [illegible]
cōiungitur, et reddit rationē Ancha. quod possit tali casu [illegible]
diuino dispensare, quia [illegible] dicatur iura diuina [illegible]
[illegible] sed eis [illegible] concludendū est ergo ex isto [illegible] fundamento
in casu nostro dispensari potuisse, et pro dispensato haberi [illegible]
Stante si diceretur nō fuisse papam qui dispensauit in [illegible]
sed fabricā Basilicę S.ti petri quod respondeo quod cū d. fabrica dispensa
[illegible] habere dicit, ac si papa dispensasset cū sede uacante, et
in casu [illegible] ipsa habeat auctoritatem papę, q. iurisdictionem [illegible]
nō est [illegible] christum uoluisse oues suas sine pastori [illegible]
Quod cōfir matur ex uerbis in rescripto d. [illegible] auctoritate [illegible] nobis [illegible] tributo
ut instruit Ancharanus in [illegible] cos. 409 [illegible] Dominus iudex ordinarius [illegible]
nō potest in casu isto se impedire nisi in exequendo et executioni [illegible]
rescriptum ipsum. cū papa, seu fabrica Basilicę S.ti petri uacante [illegible]
manus imposuerit. iux. no. [illegible] Decim. [illegible] in [illegible] [illegible]
et nu. 45. d. consti[illegible].

Quibus ualidissimis fundamentis sic stantibus licet cōtraria [illegible]
iure sint sublata particulariter tamen [illegible] respondere facilium
potest.

Non obstat ergo [illegible] fundamentū d. tex. in c. i. [illegible] 30 [illegible]
et in c. i. 3. [illegible] nos, et in [illegible] ex. d. cogna. [illegible] quia dū dicitur in
nullo modo cōiungi [illegible] intelligendū est sine dispensatione,
dū dicit, et cōiunctos nō differas separare, intelligitur [illegible]
super impedimento fuerit dispensatum, nā hoc importat illud [illegible]
[illegible] ad tempus dicitur. L. cū anni. [illegible] [illegible] leg. [illegible]
sed quod [illegible] tale impedimentū nō possit dispensari nō est dicendum [illegible]
[illegible] nec dicendū est locū [illegible] penitentię [illegible]
dicam [illegible]

[illegible] secundum, quod sit factū cōtra legē [illegible] ideo [illegible]
[illegible] quia papa [illegible] contra legē potest dispensare ut [illegible]

[illegible] et dona [illegible] dispensatum [illegible]

3· Minus obstare [illegible] quod ponitentia [illegible] aliis contractu [illegible] quia partibus [illegible] conservare [illegible] falsi, et quod [illegible] sit perfectus quia cum matrimonium in [illegible] [illegible] fuerit contractu communi [illegible] [illegible] subsequuta, [illegible] communi consensu [illegible] [illegible] fuerint, non [illegible] dici [illegible] [illegible] [illegible] partem [illegible] [illegible] [illegible] 25 [illegible] 2 [illegible] [illegible] transact. § 2 [illegible] hoc modo. [illegible] [illegible] non habet locum in contractu nominato sed solum in innominato [illegible] l. si pecuniam ff. de condic. ob causam [illegible] [illegible] stipulanti [illegible] obligat. Sed contractu innominati sunt do ut des, facio ut facias, do ut facias [illegible] ut des [illegible] l. [illegible] ff. de praescriptis [illegible] in quibus matrimonium [illegible] [illegible] est nominatus [illegible] [illegible] 3.° [illegible] [illegible] Rusticus Castal. [illegible] [illegible] iis [illegible] 2· ergo 4° nemo potest in alterius [illegible] [illegible] [illegible] ergo ponitentia hoc casu [illegible] habet locum in praeiudicium [illegible] cui enim est ius [illegible] [illegible] nata [illegible] in uxorem [illegible] communi consensu [illegible] [illegible] ista ponitentia [illegible] [illegible] et paturum diaboli [illegible] ut ita dixerim, [illegible] [illegible] ex [illegible] 7 [illegible] 14 [illegible] 4° [illegible] quia [illegible] [illegible] [illegible] [illegible] animi [illegible] ut [illegible] [illegible] 27 [illegible] sed dici potest quod [illegible] in [illegible] furioso [illegible] [illegible] [illegible] [illegible] in [illegible] altero casu [illegible] [illegible] [illegible] coniuga [illegible] matrimonii [illegible] non licet [illegible] [illegible] religionem [illegible] nec hoc casu habet [illegible] faciunt dicta [illegible] [illegible] [illegible] 74 [illegible] [illegible] locum habet [illegible] ponitentia [illegible] ergo 7 [illegible] [illegible] habet post [illegible] [illegible]

[illegible] ... matam, ita tenet Bal. per in tex. in c. eqguerite. nihil ... ? ... spolia. Sed satis ostensu fuit grave esse ... ergo [illegible] nullus est locus. Ex his puto satis esse responsum ad id quod et [illegible] in ... iam adductum fuit ...

4. Non ob. similiter 4m ... textus in c. tertio ... quia diversus prorsus est casus ... cum ibi non fuerint ... et communi partium consensu oblatae, nec proles suscepta, nec scandali periculum, quia si haec ... fuisset ... membro ... de iis ... in ... fuisse facere, sed cum diversi sint casus non est ... in illatio ... et mino- ... cum ...

5. Non ob. et 5m fundamentum d'anime ... qui ... dispensationem ... impetratam ... et ... tollit ... animae dispendium, sed solum in contrarium est ... [illegible] ... mittere rescriptum executioni ... quia ... ut praedictum iam fuit, ... diserte ... non pot. ... [illegible]

6. Non ob. 6m quod ea quae ... sunt ... quia respondetur quod licet a principio illegitime fuerit ... in casu nostro, tamen ex ... auctoritas ... superveniens ... ipsum validavit, quod potuit efficere, ut praedictum fuit.

7. Non ob. 7m quod papa non [illegible] ... sine causa, quia iam ostensum est supra fuisse causam, praeterea dicitur in contrarijs auctoritatibus quod ... sed non per hoc tollitur ... si velit et quod ... esset legitima causa, quia cum ... ius ... in casu nostro ... per clausulas in rescripto contentas quae sunt ... , sed hoc ... non est ... vendum.

8. Non ob. quod loco 8. adducebam quod verba futuri temporis non inducunt matrimonium sed ... verba praesentis temporis quia dico quod ... esset verum quod in casu nostro verba temporis praesentis non ... tamen ... [illegible]

[illegible]

prolis [illegible] [illegible] et [illegible] civis [illegible] [illegible] [illegible] commutasset.
[illegible] qui fidei [illegible] cum decore et [illegible] sed [illegible] quod in casu [illegible]
[illegible] [illegible] [illegible] [illegible] minus [illegible] [illegible] dicens
[illegible] [illegible] tabellionis [illegible] non posse [illegible] imperator
[illegible], et antoninus [illegible] [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] probat.

9. Non est [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] fuit
probata, [illegible] [illegible] [illegible] [illegible] ad [illegible] et [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible] [illegible] [illegible] sine [illegible] cum decore [illegible]
requirimur [illegible] [illegible] qui cadat in [illegible] [illegible], quare [illegible] quoniam
requisitam nullam in casu non [illegible] [illegible] * Concludendum [illegible]
ex supradictis [illegible] Christi nomine [illegible] non obstantibus [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] rescriptum et communi consensu [illegible]
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible]
mittendum, et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] sacrosancta [illegible] [illegible] [illegible]
sacrorum canonum [illegible] prout dicit [illegible] [illegible] Quis est
homo qui [illegible] [illegible] [illegible] [illegible] [illegible], et [illegible]
in domum suam, ne forte moriatur in bello et alius accipiat eam
Deuteronom. xx.

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Flaminii [illegible] Rufis [illegible]
[illegible], prout supra [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Laus [illegible]
[illegible]
[illegible]
[illegible]

X° [illegible] [illegible] [illegible] terminos dicunt [illegible]
[illegible] inno [illegible] [illegible]
[illegible] inter [illegible] obstare [illegible]
[illegible] et [illegible] [illegible] [illegible]
[illegible] omnino a iure improbatur [illegible]
[illegible] quia [illegible] quod [illegible]
dinarium dicitur omnino [illegible] [illegible]
[illegible] a principio [illegible] [illegible]
[illegible] facto a iure [illegible]
oriri aliqua obligatio [illegible] fideiuss. [illegible]
[illegible] est in obligatione [illegible] [illegible]
[illegible] nulla nata [illegible] obligatio [illegible] ergo [illegible]
contrahi post [illegible] [illegible]
[illegible] formalia [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] contrahere [illegible] [illegible]
[illegible] [illegible]

[illegible] hoc est ad ea, quae [illegible]
[illegible] facile responderi: nam primo [illegible]
[illegible] [illegible] prima [illegible]
[illegible] prohibente [illegible] matrimonium [illegible]
[illegible]

pima [illegible] ad primum late [illegible] in modo sublatis [illegible]

dicti Abb. ad doc. dicunt [illegible] animo [illegible] anima [illegible]

[illegible] sicut verbum [illegible] anima in [illegible] dicitur [illegible]

mala dixerit dicitur [illegible]

[illegible] omnium [illegible]

ait sine ratione [illegible] conditionem [illegible] dicunt tamen [illegible]

ponitur [illegible] itaque dicitur [illegible] quia in dubio [illegible] conditionem

sicut rex [illegible] talis [illegible] quod [illegible] conditionem

contrahimus sub conditione [illegible] in [illegible] arbitrium [illegible]

ante conditionem eandem [illegible] quo rex [illegible]

[illegible] sequenti [illegible] sequatur dictum perdat [illegible]

[illegible] sequentur quod [illegible] in casu [illegible] in quo [illegible]

[illegible] proles [illegible] suscepta [illegible] illa [illegible] opinio Abb. et sequacium [illegible]

[illegible] ab omnibus [illegible] ista Abb. [illegible]

[illegible] dicitur [illegible] in casu Abb. [illegible]

[illegible] dicit [illegible] dispensavit quod [illegible]

in casu [illegible] scandalum [illegible] conditio

[illegible] papa [illegible] non videtur matrimonium [illegible]

[illegible] conditio [illegible] papa [illegible] quod [illegible] sumptibus [illegible]

mittat pro dispensatione [illegible]

[illegible] adimpleta et conditio [illegible] dispensatione [illegible]

[illegible] dicunt quod quando

conditio in arbitrium alterius [illegible] in [illegible] conditionem

[illegible] in eius [illegible] compleri [illegible] ad [illegible] sic in casu [illegible]

[illegible] conditio in pape arbitrio esset [illegible] conditione adveniente

[illegible] pape mediante, [illegible] complendum [illegible]

[illegible] in quantum [illegible] consensus [illegible] necessarius [illegible]

[illegible] si quis [illegible]

[illegible] in quantum [illegible] quod [illegible] fieri [illegible]

[illegible] legitimam [illegible] per quam [illegible] dicitur [illegible]

[illegible]

[illegible] in casu Abb. [illegible]

[illegible]

[illegible] in casu [illegible]

[illegible] conditionem [illegible] copula [illegible]

[illegible] respondet [illegible]

[illegible]

[illegible] alia [illegible] in casu [illegible] fuerint tamen [illegible]

[illegible] dicta

[illegible] revocato [illegible] in casu [illegible]

~~[illegible]~~

Dum exoriatur litis ex [illegible] inter [illegible]
nomine [illegible] carnici [illegible] ex una, et Verzoni parte ex altera,
[illegible]
1. [illegible] premitto [illegible]
ordo in [illegible] servari [illegible] est tex. ubi no. doc. [illegible]
[illegible]
2. [illegible] tex. in l. iuris ordinem, et in l. in criminali [illegible] cum sim.
innumeris vulg. quod et sanctissimis ll. venetis [illegible] 3.º premitto,
quod [illegible] iuris [illegible]
sive potius corruptele irrepserant, et statuta quoque edita [illegible]
[illegible]
[illegible] consuetudinem et [illegible]
potissimum [illegible] causis territorij dotis et [illegible] in [illegible]
[illegible]
[illegible] D. Locumtenente [illegible]
[illegible] possent [illegible]
[illegible] ditione et [illegible] iurisdictioni [illegible]: Verum Carni ex vi
privilegiorum suorum a principio [illegible] imperatorum [illegible]
[illegible] et iuris communis [illegible] reintegrati sunt [illegible]
ad [illegible] et [illegible] immunitates [illegible]
privilegijs suis in [illegible] constat, precipue ex privilegio divi [illegible] 1392.
fol. xi. xij. xiij. et xiiij. [illegible] recolende memorie [illegible] et alio [illegible]
[illegible] Antonij. diei. 15. Martij. 1406. que ab ill.mo Dom. Veneto confirmata
in 1420. 16. Julij. ut in [illegible]
[illegible] Venetiarum Dominio [illegible]
[illegible] ut in [illegible] 10. Aprilis. 1421 fol. [illegible]
1445 fol 18. ac [illegible] 1401 fol. [illegible] in alijs [illegible]
[illegible] ex
[illegible] Carnorum in [illegible]
[illegible]
V. [illegible]
[illegible]
3. [illegible] a [illegible] in l. uni. C.
[illegible] Verzonenses [illegible] statuta [illegible]
licere quorumcumque bona in Verzono intromittere et [illegible] ad [illegible]
et [illegible] Verzonensis [illegible]
Carnos et eorum bona in Verzono intromittere ex vi statutorum suorum [illegible]
4. [illegible] communi id sibi facere non liceat. [illegible] evidem [illegible]
[illegible] Verzoni [illegible] confirmata
[illegible]
5. [illegible] omnes [illegible]
[illegible] indigere non [illegible] alia

[illegible] Dicit [illegible] in statuto [illegible] cuilibet [illegible] [illegible]

[illegible] forensis possit intromittere, arrestare, et sequestrare in Verzone [illegible] bona alicuius forensis. [illegible] ex his [illegible] intromittere in Verzono, et sic quod Simon [illegible] [illegible] arrestari, tamen forensis [illegible] in Verzono. Sed [illegible] [illegible] [illegible] potuerit [illegible] moueor [illegible] [illegible]

p.° quia tale statutum est odiosum, tum quia est contra ius ciuile, quo cauetur [illegible] [illegible] [illegible] trahendum [illegible] [illegible] [illegible] [illegible] quia [illegible] introducit [illegible] [illegible] [illegible] odiosum et [illegible] [illegible] minus [illegible] [illegible] verba [illegible], quod tali casu [illegible] [illegible] Alex. in cons. 154. nu. 7. et cons. 201. nu. 7. in 7. uol. et rursus cons. 5. nu. 5. cons. [illegible] nu. 2. ac cons. 197. nu. 8. in 6.° uol. [illegible] cons. 10. in 1.° uol. et [illegible] [illegible] [illegible] ordine [illegible] [illegible] potest [illegible] alterius [illegible] [illegible] lib. x. col. 5. [illegible] [illegible] statutum tollens ius alterius [illegible] [illegible] [illegible] [illegible] 2.° moueor quia si Veronenses [illegible] statuto [illegible] odiose et [illegible] [illegible] natura [illegible] [illegible] fauorabilibus [illegible] [illegible] [illegible] [illegible] statuto odioso [illegible] [illegible] [illegible] ideo [illegible] [illegible] [illegible] [illegible] priuilegio [illegible] [illegible] priuilegiatus [illegible] [illegible] [illegible] hoc pacto [illegible] [illegible] [illegible] priuilegia [illegible] eiusdem [illegible] agitur, ut ibi, quia [illegible] spoliatus [illegible] actor [illegible] spoliationem [illegible], quia [illegible] [illegible], que ex eadem causa [illegible] quia [illegible] spoliationem est [illegible] [illegible] [illegible] priuilegiati [illegible] eiusdem causae, [illegible] in duobus [illegible] [illegible] quia [illegible] priuilegiatus [illegible] [illegible] [illegible] [illegible] quia [illegible]

privilegium alterius [illegible], ut nō [illegible] [illegible] [illegible] [illegible]
[illegible] privilegio, [illegible] n. damni [illegible] [illegible] privilegio [illegible]
[illegible] [illegible] tex. [illegible] minor. [illegible] [illegible]
[illegible]
[illegible] [illegible] privilegio [illegible]
[illegible] [illegible] Carnon. privilegium ex [illegible] [illegible] [illegible]
[illegible] ex privilegio Veronensi [illegible]
[illegible] carnon [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible]
[illegible]
poterit [illegible] [illegible] privilegia [illegible]
[illegible] Ancha. [illegible] [illegible] 32. Similiter [illegible]
[illegible] minor [illegible]
[illegible]
nō [illegible] [illegible] privilegio [illegible] privilegio, [illegible]
[illegible] Tex. [illegible]
[illegible] quod [illegible] privilegia [illegible]
[illegible] privilegiatum, si quis tractat [illegible] damno [illegible]
[illegible]
[illegible] [illegible] privilegiatum nō [illegible]
[illegible]
[illegible] 80. [illegible] 32 corn. cons.
140. nu. 2. in [illegible] col. [illegible]
[illegible]
nu. 4. 5. 22. 6. Corn. in. d. cōs. 140. nu. 2. in [illegible] col. [illegible] facia[t] quod dix[illegible]
[illegible] dispositionem. [illegible] minus. [illegible]
nō [illegible] minor [illegible] minor [illegible] privilegio [illegible]
[illegible]
[illegible]
[illegible] 406. et [illegible] in. d. c. [illegible] [illegible] tex. [illegible]
[illegible] monasterij [illegible]
[illegible]
[illegible] privilegio [illegible]
[illegible] ad faciendum [illegible] ex [illegible]
[illegible] fieri ex [illegible]
pro causa [illegible] [illegible]
[illegible]
[illegible] ex [illegible] [illegible] nu. 7. [illegible]
[illegible] ex [illegible] Ecce [illegible] ex istis [illegible] favorem.
[illegible]

[illegible] Sed quod [illegible] ad quod [illegible]

[illegible]

[illegible] actionis [illegible]

[illegible] Quid [illegible] in commune [illegible]

privilegiis [illegible] in commune [illegible] dubium quod Carni obtinent, quia ius eius commune fouet, dicens actorum [illegible] [illegible] sed [illegible] dixit [illegible] in [illegible]

[illegible] privilegiatum [illegible] ius commune, [illegible] privilegio [illegible] iuri communi [illegible]

[illegible] pag. 30 [illegible] 13 [illegible] in commune [illegible] ad [illegible]

[illegible] 80 [illegible] 230 [illegible] paritatem privilegiorum [illegible] communis [illegible], quod ius commune, cum Carnos fouerat, [illegible] ipsos in casu fore victoriae. Et si in casu paritatis privilegiorum Carni vincerent, [illegible] damno [illegible] privilegium habent, in [illegible], illud [illegible]

[illegible] ad ius commune [illegible] Carni [illegible] ex supradictis [illegible] privilegium [illegible] potentius [illegible] Similiter carni ex [illegible] Nam [illegible] obtinent, quia in pari causa magis [illegible]

est quam actori [illegible] notissima; sed Carni rei sunt, quia contra eos [illegible] [illegible] non agunt sed defendunt [illegible]

[illegible] privilegio [illegible] quia in [illegible] privilegiatum [illegible] sed duo [illegible] idem [illegible] Bal. in l. [illegible] Salyc. in l. ij. [illegible]

[illegible] aut actor [illegible] aut uterque [illegible] aut nullus [illegible] privilegio [illegible]

[illegible] eligit secundum ius commune, quia qui [illegible] privilegio [illegible] [illegible]
[illegible] [illegible] Sic ex supra
[illegible] (ind. meo) [illegible] carnos [illegible]
[illegible] ut l. carni intromitti aut arestari non possint. Sed
Desidero [illegible] quod modo mihi occurrit, [illegible]
Carmen [illegible] patriarcha Ant. felicis recordationis [illegible] anno 1406. sub die 15.
marcij [illegible] [illegible] modo [illegible]
[illegible] constitutionibus statutis, vel consuetudinibus in
contrarium facientibus ut in [illegible] fol. 8. que clausula [illegible] omni
[illegible]
[illegible]
[illegible] omnes [illegible]
[illegible]
[illegible]
[illegible]
[illegible] col. 2. [illegible] item dixit [illegible] et [illegible]
[illegible] talis clausula [illegible] in privilegio
[illegible] statutum [illegible] consuetudine [illegible]
[illegible] dummodo [illegible] contrarium faciente
[illegible] Bar. [illegible]
col. 1. [illegible] colligit [illegible] Bar. [illegible]
[illegible]
[illegible]
[illegible] Bar. [illegible]
[illegible]
[illegible]
[illegible] [illegible] non modo [illegible]
[illegible] stipula [illegible]
[illegible]
[illegible] quod
[illegible] ex [illegible] statutum aut privilegium [illegible] consuetudo
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] carnos [illegible] clausula [illegible]
[illegible] in privilegio carnea [illegible] ex prohibitis [illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible]

arrib[illegible] i multa [illegible] [illegible] quidem [illegible] [illegible] [illegible] ude
dicitur altera natura ut [illegible] Aristot. 7. Ethi. 10. [illegible] 10 Ethi. 9. [illegible]
[illegible] consuetudinis [illegible] [illegible] [illegible] cx. [illegible] minimi [illegible]
m. l. [illegible] c. [illegible] epis. audi. [illegible] m. c. [illegible] consuet. minimi esse mutanda
[illegible] i consuetudine [illegible] interpretationem [illegible] [illegible]
natura [illegible] no star con[illegible] costume. Et sancti Hiero[illegible] in dialogo [illegible]
[illegible] [illegible] [illegible] 2° [illegible] tomo. [illegible] [illegible] [illegible]
[illegible] [illegible] in actibus apostol. [illegible] si scripture autoritas [illegible] subesset totius
orbis in hanc partem [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] usur.
[illegible] [illegible] [illegible] [illegible] cx. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] fidelissima [illegible] [illegible] [illegible]
[illegible] [illegible] in naturam sicut [illegible] [illegible] [illegible]
[illegible] 2. [illegible] [illegible] ex [illegible] [illegible]
[illegible] consuetudine [illegible] [illegible] [illegible]
[illegible] 7. [illegible] 18. [illegible] Rom [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] mortis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
Quod si consuetudo [illegible] [illegible] altera [illegible] nuncupatur, [illegible]
si [illegible] prudentiori [illegible] legem [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] subiacet [illegible] doc. [illegible] similiter [illegible]
[illegible] rationem [illegible] cx. [illegible] consuetudine [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] consuetudinem [illegible] [illegible] [illegible]
tur omnes [illegible] consuetudinem [illegible] statuto [illegible] Alex.
cs. 100. col. [illegible] m. 2° [illegible] 8. dicit [illegible]
[illegible] similes extendi, statutum vero minime, ad quod [illegible] cx. m. l. [illegible]
[illegible] consuet. [illegible] dixisse [illegible] ang. in cs. 82. Stat ergo firma
conclusio, quod [illegible] saltem ex vi consuetudinis optime iuris interpretis,
ut [illegible] ad hoc multa corn. cs. [illegible] nu. 15. cs. 143. nu. 8. [illegible] nu.
7. cs. 270. nu. 12. in 4° vol. [illegible] [illegible] maxi.
[illegible] consuetudo [illegible] [illegible]
ut ait Cardi. in cs. 57. Sed [illegible] ex [illegible]
[illegible] [illegible] temporibus [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] dicere
consuetudinis [illegible] [illegible] [illegible] [illegible]
[illegible] quod [illegible] classis multi [illegible] intromitti fuerunt, et intromitti passi
sunt. [illegible] consensisse, [illegible] consuetudini acquievisse [illegible] [illegible].
Sed [illegible] [illegible] [illegible] consuetudinis [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] inspicienda.

P.o nam [illegible] quod [illegible] [illegible] [illegible] nomen [illegible]
[illegible] ut [illegible] [illegible] in [illegible]
ut nulli [illegible] [illegible]
[illegible]
[illegible] sit long [illegible] [illegible]
[illegible]
[illegible] ut nulli [illegible]
[illegible]
[illegible]
igitur [illegible] [illegible]
[illegible] servitudine [illegible] bonorum, ad [illegible] malorum [illegible]
[illegible] insti. [illegible] lib. i. cap. 12. [illegible]
[illegible]
[illegible] mala [illegible] nomen [illegible]
[illegible] dicit [illegible]
[illegible] quod mala introduxit [illegible]
[illegible]
[illegible] armi [illegible]
[illegible] ex [illegible] [illegible]
[illegible]
[illegible]
[illegible] arma [illegible] maxime [illegible] solent quod [illegible]
[illegible] familias [illegible]
[illegible]
[illegible] minimi [illegible]
[illegible] ex [illegible] [illegible] quod [illegible]
[illegible]
[illegible]
[illegible] minimum fieri [illegible]
[illegible] dixit [illegible]
[illegible] ubi [illegible]
[illegible] existat: sed [illegible]
[illegible]
[illegible] nulli [illegible]
[illegible]
maxime in casu isto [illegible]
[illegible] ex [illegible]
[illegible] quod nulla [illegible]
[illegible]
[illegible]
[illegible] ex [illegible]
[illegible]

[illegible] quod statuta eadem et consuetudinem introducere possent, imo iam consuetudinem introduxissent, non [illegible] Carnis obesse posset [illegible] [illegible] quia consuetudo unius loci non tollit legem, et privilegium [illegible] in omni loco sed in [illegible], ut apud Corn. cons. 293. nu. 4. in 4. vol. unde sequitur [illegible] non potuisse tolli privilegia Carnorum [illegible] [illegible] Carnorum [illegible]

[illegible]

[illegible] ipsius carnis obesse non posse, et dixit Bal[illegible] in l. et quibus in [illegible] [illegible]

[illegible]

[illegible] sequestrum impetraverunt, qui eadem decessere, et demum [illegible] ea [illegible]runt. sed [illegible] in causa propria nullus est iudex. toto tit. ne quis in sua causa

nuria ~~...~~

...

uerit, et quod isto nullo pacto
nesibus ..., sed si quid ...

...

tatur idem Auicen. 7. meta
unu tota, ut in l. cum ...
... acquir. ... Vniu...
... sit ... contrarium, ...
... particulare ... uniuersitat
dit. in uniuersitate, quod ... praeiudicii
aliud ...

[illegible] in ista [illegible] quia est [illegible] corpus [illegible] [illegible]
[illegible] que [illegible] una [illegible] [illegible] universitati [illegible]
universitati. nec est quod voluit Corn. in cons. 63. nu. 4. in 4°. vol. et cons. [illegible] 4. [illegible] quia aliud est in p° vol. quo et loco [illegible] ponit differentiam inter
[illegible]
[illegible] universale affirmat. [illegible] premissa [illegible]
[illegible] significandi [illegible] particulares. ne preiudicetur [illegible]
[illegible]
[illegible] preiudicetur [illegible] quae [illegible] posset [illegible]
[illegible] parte [illegible] sicuti [illegible] dicitur [illegible] generalis [illegible]
[illegible] preiudicium [illegible] in [illegible] et [illegible]
[illegible] universitati [illegible]
[illegible] quia [illegible] admittitur, adhuc tamen
[illegible] ut [illegible] Soci. cons. 60. nu. [illegible]
[illegible] col. [illegible]
[illegible] cons. 66. nu. 8. [illegible] restituenda, quia [illegible]
[illegible]
[illegible] damno [illegible]
[illegible] cons. 7. nu.
22. in 2° [illegible] ad [illegible]
[illegible]
[illegible]
[illegible] affirmat [illegible]
[illegible] dicitur [illegible]
cons. 112. nu. 22. in 1° vol. [illegible]
[illegible] omittuntur [illegible]
[illegible]
[illegible] cons. 177 [illegible] Corn. cons. 17. [illegible] col. [illegible]
[illegible] cons. 147. nu. [illegible] vol. 2° [illegible] cons. 102. num. 8. cons. 242. [illegible] in 2.
vol. [illegible] 3. vol. 4. Rom. cons. 403. nu. 10. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

verra. cumque cum nulla extet possessio [illegible] id admittit [illegible] universitati [illegible] continua [illegible] non potuerit [illegible] [illegible] eidem universitati [illegible] Verzonen [illegible] [illegible] annos [illegible] [illegible] universitas [illegible] possessionem ex [illegible] particularium [illegible] universitatis [illegible] [illegible] in l. [illegible] [illegible] possessionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] corn. [illegible] 67. num. 4. in 4. col. dixit quod aliud est universitas [illegible] [illegible] [illegible] [illegible] ius dictu fuit, unde dicitur ipse, [illegible] particularium singularum [illegible] Verzonensium [illegible] [illegible] universitatem [illegible] [illegible] [illegible] [illegible] ad universitatem [illegible] [illegible] [illegible] possessio [illegible] corporalibus [illegible] [illegible] possessionem [illegible] [illegible] [illegible] possessionem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] universitatis [illegible] [illegible] [illegible] sed si [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] universitati [illegible] [illegible] [illegible] nos dicet [illegible] in locis [illegible] [illegible]

[illegible] dicta [illegible] facta fuerint a particularibus Verzonensibus [illegible] ad hoc ab universitate [illegible] [illegible] [illegible] non solum [illegible] Verzonensibus, nec universitati [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] quod [illegible] qui [illegible] [illegible] num. 5. [illegible] ad tertium in 2. col.

[illegible] et occupare, et aedibus clandestinis similiter [illegible]
[illegible] in [illegible] occupasse [illegible]. Nec proinde [illegible]
[illegible] potuerit vel [illegible] ratificari adhuc actus [illegible]
[illegible]
[illegible] ad [illegible] quia naturaliter [illegible]
[illegible] habilis, exemplum [illegible] a quo [illegible]
[illegible]
[illegible] subiicere [illegible] universitate, ibi [illegible] [illegible] si [illegible]
[illegible] usucapio, ubi est res quod ab hostibus [illegible]
[illegible]
[illegible] Verzoni ratificare [illegible] possessionem quae [illegible] viderit [illegible] particulares
[illegible]
[illegible]
[illegible] ideo [illegible]
[illegible]
[illegible] particulares [illegible] particulares, et modo particularem [illegible]
[illegible]
[illegible]
[illegible]
[illegible] dubium [illegible]
[illegible] particulares, quos si universitas pateret [illegible]
[illegible] talem pati calamitatem, unde [illegible]
[illegible] singulis [illegible] universitatis interesse, [illegible] particulares [illegible]
[illegible]
[illegible] ad [illegible]
in [illegible] nunc si [illegible] C. de litig. et in l. titia. ff. [illegible]
[illegible] quaerens [illegible]
[illegible]
[illegible] Succedit quartum
dubium [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] alij fuerunt [illegible]
[illegible]
[illegible] hac causa [illegible]
[illegible]
[illegible] Verzoni [illegible]
[illegible]
[illegible]
[illegible]

[illegible]

... Veronē ... principio ... Communitatis Veronē ... carnea trahere ...

... quòd nō aliā ... causa factum ...

[illegible]

... errores Johannis ... dixit ...

[illegible]

[illegible] id ex [illegible] audio [illegible] sua. [illegible]
[illegible] arma [illegible] [illegible] curam [illegible]
[illegible] mortem [illegible]
[illegible] [illegible] in [illegible]
[illegible] a magno Alexandro [illegible] a [illegible] in [illegible]
[illegible] [illegible] [illegible]
[illegible] lib. 7. [illegible] [illegible] libris [illegible]
[illegible] [illegible] ex [illegible] Platonis [illegible] ad [illegible]
[illegible] Dionis [illegible] ex [illegible] [illegible]
[illegible] dominium [illegible] [illegible] necessaria secunda vero [illegible]
[illegible] viribus [illegible] [illegible] omnium opifice [illegible]
[illegible] cap. 74. [illegible] libertas vero [illegible] pulcherrima [illegible]
[illegible] nomine [illegible] dulcissimo [illegible] [illegible]
[illegible] libertas [illegible]
[illegible] privilegia, multaque eius [illegible]
[illegible] [illegible] vellem [illegible] duo [illegible]
[illegible]
[illegible] odiosa [illegible] servitudine [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ignavia [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] civitatis [illegible] discordiis. [illegible]
[illegible] annos [illegible] a [illegible]
[illegible] non modo [illegible]
[illegible] [illegible] dignum [illegible]
[illegible] [illegible] [illegible]
[illegible] ac libertatem receptam [illegible]. L. D. O. M.

[illegible] Laminius de Rubeis iur. [illegible]
Doc. [illegible] minimus.

Illud [illegible] cum [illegible] ex [illegible]
[illegible] cum sibi retrouendi petitu [illegible]
[illegible] iuris canonici, et iuris Veneti [illegible]
[illegible] et ad docendum [illegible]
[illegible]
[illegible]
[illegible] 1632 [illegible]
[illegible]
[illegible]
[illegible] hominis [illegible] illud, quod ex [illegible] dispositione [illegible]
[illegible]
[illegible]
quod fuerit facta retrouenditio ex liberalitate, colligitur ex eo, quod
[illegible]
[illegible] id est [illegible]
[illegible] quantitate facta [illegible] retrouenditio [illegible] indi-
[illegible] intelligendum etc. 2.° [illegible] venditio [illegible]
[illegible]

ut ipsa venditio [illegible] quantitati [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] modo [illegible]
[illegible] ex [illegible] [illegible] venditum esse valo-
ris duc. 100. Item [illegible] opus fuisset [illegible] [illegible]
[illegible] multo minori [illegible] [illegible] [illegible] eiusdem [illegible]
[illegible] fuit [illegible] [illegible] [illegible] [illegible]
[illegible] l. ij. C. de [illegible] ac venditionis [illegible] si [illegible]
[illegible]. Nec ob quod non [illegible] agi ex d. l. ij. [illegible] [illegible]
[illegible] alternative vel s. ad supplementum iusti pretii, vel ad [illegible]
[illegible] pretium exbursandi, quia [illegible] [illegible]
[illegible] [illegible] ut [illegible] [illegible] [illegible] ex parte [illegible]
favorabiliorem reddant. Item faciunt. 3.° [illegible] [illegible]
[illegible] multis hoc modis [illegible]. Nam [illegible]
[illegible] feudalis est, nec [illegible] ex [illegible]
[illegible] ex [illegible] [illegible] maxime ex [illegible]
[illegible] 1487. [illegible] [illegible] in [illegible] fol. xi. Item ex investitura [illegible]
[illegible] simonis [illegible] [illegible]
[illegible] [illegible] [illegible] 1510. [illegible]
[illegible] 14. 57.° usque ad [illegible] 20. Demum [illegible] ex investitura. D. [illegible]
[illegible] 4. octobris 1538 [illegible] 1562. [illegible] ex [illegible]
[illegible] diei 12. febr. 1508. in [illegible] fol. 34. 17.° Quod [illegible] in [illegible]
[illegible] in toto feudorum libro. [illegible] [illegible] omnibus in

[illegible]

[illegible] 303. [illegible]
[illegible] feudalem [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] mand. [illegible]
[illegible]
[illegible]
[illegible] ff. de [illegible] Tertio. Minime [illegible] non apparet [illegible]
[illegible], aut emphiteuticaria [illegible] [illegible] [illegible] aut [illegible]
[illegible] feudalia [illegible]
[illegible] [illegible] tali casu, [illegible] [illegible]
[illegible] tamen caetera feudalia [illegible]

[illegible] do [illegible] vallibus [illegible]
[illegible] [illegible]
[illegible] feudali [illegible] exc[illegible]
[illegible]
[illegible]
[illegible] feudali esse [illegible]
[illegible]
[illegible] contentiosus seu feudali [illegible]
[illegible] maxime [illegible]
[illegible] sunt alienabilia unde videtur [illegible]
[illegible] feudali [illegible]
[illegible]
do. et agna; sed istud est cum certo servitio, ut ex inquisitionis [illegible]
[illegible] ex [illegible]
[illegible] anni 1508 [illegible]
[illegible]
[illegible] summa [illegible] ex [illegible]
[illegible] impossibile videtur ad [illegible]. Sed [illegible]
[illegible]
[illegible] maxime [illegible] domini [illegible]
[illegible]
[illegible]
[illegible]
[illegible] Et [illegible]
[illegible]
[illegible]
[illegible] 1397 12 [illegible] fol. 55 [illegible]
[illegible] fol. 37 [illegible]
[illegible]
[illegible] 1425. 28 [illegible] fol. 41 [illegible]
[illegible]
[illegible] 1559 [illegible]
[illegible]
[illegible]
[illegible] 4 [illegible]
[illegible]
[illegible]
[illegible] 1517 [illegible]

[illegible] com [illegible]

alienationis [illegible] [illegible]

[illegible] ff. x. [illegible]

col. 02. [illegible] inter [illegible] Bibiani et [illegible]

[illegible] Senogrannum. Et [illegible] ex [illegible]

[illegible] de [illegible] minimis [illegible] extra[illegible]

[illegible] quod bona ill[illegible]

zo. [illegible] dixit math. et affl[illegible] dec. 00. [illegible]

[illegible] feudi alienatio [illegible] idemq[illegible]

corn. [illegible] cons. [illegible] nu. 53. [illegible] uol. [illegible] hoc quoq[illegible]
[illegible] nullum feudi [illegible] excessum

[illegible] ait quod si [illegible] ad

[illegible] feudi [illegible] quod [illegible]

flex. cons. [illegible] nu. 6 [illegible] uol. et cons. [illegible] uol. [illegible]

Dec. cons. 200. [illegible] .5. uol. 2. [illegible] dubio [illegible]

[illegible] cons. 78. nu. 17. et cons. [illegible]

[illegible] 28. in [illegible] in. 3. [illegible] in. 4. [illegible]

[illegible] succed. in feu. [illegible] quod [illegible] nisi ad [illegible]

[illegible] Math. et affl. dec. 220. nu. 7. et dec. [illegible]

[illegible] ait quod [illegible] feudi [illegible] possit alienari [illegible]

[illegible] alienari possit in familia [illegible] extra [illegible]

de [illegible] feudu [illegible] sequi[illegible]

[illegible] quod [illegible] inalienabile [illegible] ex [illegible]

[illegible] antiqui, et [illegible]

[illegible] quod [illegible] hereditarium, extra familiam [illegible]

[illegible] Andriola [illegible] in feudis feminarum [illegible]

[illegible] corn. cons. 36. nu. 5. in [illegible] uol. [illegible] in cons. 310. nu. 8.

[illegible] uol. et cons. 351. nu. 9. in [illegible] uol. [illegible] cons. 401. nu. [illegible] uol.

et corn. cons. 24. nu. 10. in [illegible] uol. [illegible] quaramus ex pacto, uel consuetu-

[illegible] uel [illegible] amore et honore [illegible]

[illegible], ut ipsi aiunt; nihilominus [illegible] feudi [illegible] antiqui [illegible]

[illegible] alienari [illegible] maxime [illegible] familia [illegible] quod [illegible]

[illegible] Andriola [illegible]

[illegible] tenore [illegible]

[illegible] laxerunt, [illegible]

[illegible]

[illegible] sua [illegible]

[illegible] hoc est [illegible]

[illegible] sua [illegible] facta in. 1508. 12. februarii

n. [illegible] Andriola [illegible] feminis [illegible]

[illegible] est [illegible]

[illegible] feminae [illegible]

[illegible] corn. [illegible] cons. [illegible] nu. [illegible]

[illegible] 2. [illegible] Andriola [illegible]

[illegible] nexpaciorem [illegible] vel [illegible] in [illegible]
[illegible] in eo [illegible] alienabilis [illegible] saltem [illegible]
[illegible] familiam [illegible]
[illegible] successio in [illegible] feudorum [illegible]
alienationi [illegible]
[illegible] in [illegible]
[illegible] investituram [illegible] feuda [illegible]
[illegible] successores [illegible]
usque sub anno 1307 [illegible] sic feudum [illegible]
Accedit [illegible] in eadem investitura [illegible] aliis [illegible] sunt [illegible]
[illegible] investitura sunt [illegible] vetera, [illegible]
[illegible] habitantia, [illegible] in fine [illegible] descriptione bonorum [illegible]
in feudum, [illegible] in [illegible] bona [illegible] possunt
esse [illegible] in [illegible] antecessores [illegible] bona [illegible]
[illegible] habitavit in [illegible] illa bona [illegible] habitantia
bona [illegible] vetera [illegible] sic nobiliora. Sed hoc
sine praeiudicio veritatis [illegible] bona [illegible] esse feudalia
habitantia [illegible] potuissent [illegible]
[illegible] quae [illegible] eisdem modis acquiruntur [illegible]
[illegible] cons. 239. nu. 17.
in 1. vol. Et feudum habitationis [illegible] in [illegible] usus, [illegible]
[illegible] usus [illegible] esse [illegible]
[illegible] habitare [illegible] in [illegible]
alius [illegible] l. [illegible]
[illegible] les. 3. in aliis [illegible] in [illegible] in [illegible] 2. di-
[illegible] vendendi.
[illegible] habitantia quod [illegible] supradictis
[illegible] esse feminis, vel haeredibus
[illegible] alienari [illegible] [illegible] in [illegible]
[illegible] adiectus.
[illegible] super [illegible] quo [illegible]
[illegible] Sed [illegible]
[illegible] modo [illegible] dubium, quod [illegible]
[illegible]
[illegible] Romanus [illegible] quod
[illegible] obsequium [illegible] clientelam [illegible]
[illegible] feudi [illegible]
[illegible]
nisi [illegible]

[illegible] revocan. dona. ubi infinita [illegible]
[illegible] colligit [illegible] quod [illegible]
[illegible]
nia, ut vivi dicunt; aut [illegible] aliud [illegible] manus [illegible]
[illegible]
[illegible] quod voluit [illegible]
[illegible]
[illegible]
[illegible]
vidi[illegible] [illegible] Abb. [illegible] ex [illegible] filiis acquisiverit, [illegible]
[illegible] feudi ipsius à [illegible] tamen [illegible] ex [illegible] nihilominus
[illegible]
[illegible] ad [illegible] novi, [illegible] multa ad [illegible] antiquum [illegible]
in l. si unquam [illegible] C. de revocan. dona. Et ex [illegible]
[illegible] alienationem feudi tam [illegible]
[illegible]
[illegible] ex quo [illegible] Proxima, quod [illegible]
[illegible]
[illegible] ad [illegible] in [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] ad [illegible] in [illegible]
[illegible]
[illegible] ad [illegible] questionem [illegible]
[illegible] feudum [illegible] quod [illegible]
[illegible] actio [illegible]
[illegible]
[illegible] 305 [illegible]
[illegible]
[illegible] causa [illegible]
[illegible]
[illegible] illud [illegible]
[illegible] quod [illegible]
[illegible]
[illegible]
[illegible]
[illegible] errorem.
[illegible] 482 [illegible]
[illegible] quod nullo casu [illegible] feudi [illegible]
[illegible]

dicit [illegible] quod [illegible] dicto reddidit feudum [illegible] forma [illegible] [illegible] fi [illegible] se [illegible] [illegible] [illegible] sic [illegible] ad [illegible] [illegible] an [illegible] a iure suo. [illegible] tradidit (inquit) [illegible] non [illegible] tradidit [illegible] reddidisse [illegible] tradidit [illegible] tunc [illegible] cum [illegible] ex [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in [illegible] ex suo. [illegible] hic [illegible] [illegible] [illegible] [illegible] dicit vel [illegible] lando [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] dominus osculo in fide [illegible] [illegible] [illegible] culpa remissa, [illegible] [illegible] [illegible] [illegible] dicto [illegible] in [illegible] 128. col. 3. [illegible] [illegible] qui tenet feudum [illegible] [illegible] [illegible] [illegible] [illegible] adit a iure suo. quod [illegible] feudi [illegible] [illegible] ignorantia

[illegible] alienavit [illegible] [illegible] [illegible] [illegible] qui [illegible] n. 7. [illegible] 8. ff. [illegible] n. 4. [illegible] [illegible] illud quod [illegible] Bal. in [illegible] §. si vasallus. col. 2. [illegible] feu. [illegible] [illegible] [illegible] [illegible] agnat. [illegible] [illegible] [illegible] [illegible] [illegible] 305. [illegible] in [illegible] [illegible] [illegible] cap. feu. [illegible] Bal. [illegible] [illegible] [illegible] [illegible] C. [illegible] emph. nu. 7. dicebat quod alienans feudum [illegible] [illegible] [illegible] [illegible] non [illegible] [illegible] poenam [illegible] feudi [illegible] [illegible] [illegible] quid [illegible] si post alienationem feudi vasallus id recuperavit. Aliter autem dicendum (inquiunt) si ignoranter alienavit, [illegible] ex [illegible] ut ad eius pervenit notitiam esse feud. recuperavit: [illegible] adstipulatur [illegible] [illegible] qui multa [illegible] in l. qui ignorans. nu. xi. [illegible] in d. l. qui falsam. nu. 7. [illegible] [illegible] [illegible] dicens in casu simili, quod [illegible] [illegible] [illegible] [illegible] [illegible] multos annos ignorans [illegible] [illegible] [illegible] non cadit a iure [illegible] licet [illegible] caderet si sciens cessavit in solutione. [illegible] ex his [illegible] tollitur obiectum de alienatione [illegible] [illegible] facta [illegible] [illegible] [illegible] [illegible] [illegible] cum ignoranti [illegible] [illegible] ut [illegible] Bal. in [illegible] §. si vasallus col. 2. [illegible] ignorantia iusta causa [illegible] [illegible] in [illegible] [illegible], ut [illegible] [illegible] [illegible] in cons. 137 nu. 3. [illegible] ignorantia [illegible] [illegible] excusat a poena corporali ut firmat [illegible] Tira. in [illegible] [illegible] leg. cau. 43. nu. 4. sive ignorantia ipsa sit iusta, sive iniusta. ut ibi. [illegible] Per. [illegible] [illegible] [illegible] in suo [illegible] [illegible] 314. qui [illegible] [illegible] [illegible] [illegible] [illegible] causa humana, [illegible] putaverim, quod ignorans [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] vel nolle [illegible] [illegible] [illegible] in cons. 313. nu. 2. [illegible] [illegible] [illegible] [illegible] aut [illegible] [illegible] [illegible] quod [illegible] non [illegible] [illegible] [illegible] [illegible] in [illegible] [illegible] nu. 7. [illegible] cons. [illegible] nu. [illegible] in [illegible] col. [illegible]

cons. 100. nu. 3. et cons. 147. nu. 9. 10. uol. p°. [illegible] cons. 102. nu. 8. cons. 242.
nu. 4. in 2. uol. et cons. 139. nu. 3. uol. 4. Rom. cons. 103. nu. 16. Alex. [illegible]
2. nu. 9. in 4°. uol. Idq[ue] maxime procedit ut ignorantia [illegible], nisi [illegible]
[illegible] sciens in herede, in successore in iure [illegible], et in filio, qui [illegible]
factis [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. [illegible] et his omnibus [illegible]
[illegible] filio [illegible] successore, et herede [illegible] firmat Corn. cons. 185. nu. 9. uol. 2. et
cons. 84. nu. 6. 10. uol. 2. et cons. 32. nu. 14. in 4°. uol. [illegible] [illegible]
[illegible] [illegible] ignorare successorem ex qua causa [illegible] acquisiverit
ad idem Alex. in cons. 71. nu. 7. in [illegible] uol. Jac. mand. [illegible] cons. 3. nu.
15. in 4°. uol. Cum ergo D. Melchior ignoraverit tempore [illegible] facte alie-
nationis [illegible] Azzani [illegible] feudalem, sicuti [illegible] ex supra adductis [illegible]
[illegible] [illegible] [illegible] sequitur eum non cecidisse a iure suo, et [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] adhuc [illegible] caroli non possent [illegible]
ipsum habere, sed [illegible] ad dominum, qui dominus ex quo D. Melchiorem in-
vestivit [illegible] remittendo eidem D. Melchiori [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] habere [illegible] [illegible] alienata. Accedit maxime quod [illegible]
[illegible] [illegible] [illegible] [illegible] factum [illegible] D. Melchiorem sub [illegible] [illegible]
[illegible] tam [illegible] [illegible] conditione ipsius D. Melchioris facta [illegible] [illegible]
[illegible] [illegible]. 69. et [illegible] [illegible] [illegible] facta [illegible] [illegible] [illegible]
[illegible], pro duc. 50. [illegible] omne [illegible] [illegible] [illegible] [illegible] [illegible]
quod ipsi [illegible] carolo possent pretendere. [illegible] [illegible] [illegible] alia [illegible] causa
[illegible] ipsum retinere non possunt, quia [illegible] infra annum et diem a iure
statutum, et a legibus Ill.mi Do. prefixum investituram non petierunt.
[illegible] fit ut feudum ad dominum fuerit [illegible], et iuste potuerit D. Mel-
chiorem investire, sicuti fecit, omnes attestant et [illegible] [illegible]
[illegible] in [illegible]. 255. nu. 3. et [illegible] [illegible] in fi. [illegible] [illegible]
[illegible] [illegible] [illegible] terminum investituram non petit, non [illegible] [illegible] moram
[illegible] ut eleganter scribit [illegible] Rip. in l. si insulam. nu. 10. ff.
[illegible] [illegible] [illegible] quod [illegible] Caroli [illegible] [illegible] [illegible]
[illegible] [illegible] mora [illegible] non [illegible] ut supra proxime, [illegible] feudum
[illegible] excellentia a fide dicitur eo quod dominus vasallo committit [illegible]
[illegible] et [illegible] ut [illegible] Jac. in [illegible] [illegible] nu. 28. et feudum
[illegible] [illegible] [illegible] [illegible], ut firmat Bal. in cons. 38. nu. [illegible]
in [illegible] uol. unde [illegible] [illegible] industria et fides familie [illegible]
[illegible] [illegible] proinde non licet alteri [illegible] familia [illegible] [illegible] [illegible] [illegible]
maxime [illegible] in [illegible] bellicis [illegible] [illegible] familia
[illegible] [illegible] a principe, ut in [illegible] anni 1508. [illegible] qua [illegible]
[illegible] [illegible] [illegible] in iure, et in facto [illegible] etiam [illegible]
fundamentum, quod nullo [illegible] [illegible] [illegible], et [illegible] eius modi-
[illegible] est, quod in 1517. [illegible] [illegible] [illegible] [illegible] D. Melchioris

p. duc. 50. constituit Carolis unam livellariam responsionem sextariorum 5 frumenti solvendam sup. manso dominicoso ut constat instrumento [illegible] in [illegible] registrato fol. 60. unde sequitur quod actoris [illegible] [illegible] [illegible] calis livellum potuit ac [illegible] francari. Similiter D. melchior de anno ·1582· p. duc. 60. ut supra [illegible] mansi [illegible] eidem Carolis sine [illegible] [illegible] [illegible], et [illegible] ad [illegible] [illegible] habuerunt [illegible] prout constat ex lectura instrumenti [illegible] [illegible] et registrati in [illegible] fol. 20. et tamen [illegible] [illegible] in [illegible] ad [illegible] duc. 110. et nihilominus ipsi [illegible] coloni [illegible] [illegible] [illegible] 25. [illegible] manso dominicoso una cum sedimine et domibus desuper [illegible] [illegible] [illegible] [illegible] in [illegible] maiori [illegible] et [illegible] alia [illegible] [illegible] unt si ad ipsum fundum habentes [illegible] respectus, [illegible] [illegible] ad duc. 500. et [illegible] [illegible] [illegible] dicunt coloni [illegible] [illegible] [illegible] 50 manso dominicoso [illegible] [illegible] quod coloni D. melchioris nunquam fuerunt expulsi [illegible] libertati sed semper una uniformem [illegible] [illegible] [illegible] et prout latius deductum fuit in ultima [illegible] D. melchioris [illegible] in [illegible] fol. 44. 45. et 46. Ex quibus liquet ipsi D. melchiori competere [illegible] beneficium legis [illegible] [illegible] reducendi livella ad 7. pro centenario [illegible] ipsum beneficium [illegible]

Proinde [illegible] tot [illegible] et causis supra adductis, [illegible] singula [illegible] [illegible] sufficientes ad victoriam dicti [illegible] Carolo condemnandi sunt ad eleuandum [illegible] et faciendum D. melchiori instrumentum [illegible] [illegible] cum suis clausulis solitis [illegible] et opportunis in forma, et prout in petitione dicti D. melchioris [illegible] L.D.

Flaminius de Rubris iur. ut. doc. Venetie minimus.

Quoniam in ulris, tum premis tum [illegible] negotiis [illegible] ne [illegible] mo
fabio, et Danielo [illegible] [illegible] memoris [illegible] ad aliegand[illegible] [illegible] genere
ut mea [illegible] [illegible] expediam [illegible] attingendo [illegible] causa
[illegible] uidebit[illegible] breuis negoci [illegible] impedim[illegible] [illegible]
[illegible] itaque prima quidem fact. [illegible] mti fauorem et in casa [illegible]
[illegible] quia [illegible] missus fuerit in possessione [illegible] seruandis [illegible]
[illegible] [illegible] [illegible] dispositio [illegible]
[illegible] tolli [illegible] [illegible] in [illegible] [illegible] rub. 147.
maxime circa citationem [illegible] edicto omissam. ergo [illegible] franc. proximior [illegible]
grade [illegible] ulro. succedenti [illegible] sint mr fabio [illegible] Danie[illegible] ergo in [illegible]
ri debet arg. [illegible] ff. et leg. 2o. [illegible] ibi dicunt [illegible]
in uer. proximus. et [illegible] [illegible] in [illegible] fi. [illegible] uerbo. signi. [illegible]
statuto [illegible] agnato[illegible] [illegible] uocati ordine successio[illegible] gradu
prerogatiua. quod perdere [illegible] posterior in gradu [illegible]
priori [illegible] non infert. arg. [illegible] ff. [illegible] 3o
Nec [illegible] uidetur obstare si dicatur mm fa[illegible] est de agnatis et [illegible]
cisco et cognatis, et [illegible] in successionibus [illegible] caput est [illegible] 2m
unde agnati et 3m unde cogn[illegible] [illegible] in rub. [illegible] unde [illegible] et unde [illegible]
[illegible] fundat in l. 1. ff. si tab. testa. unde [illegible]
[illegible] agnator[illegible] cessat successio cognator. quia ut responderi posset, quod licet
[illegible] iure ciuili agnati [illegible] cognatis tamen iure [illegible]
[illegible] cognati successionem [illegible] ante [illegible]
scripti [illegible] ubi glosa uerbo honorario [illegible] agnatio:
nis, et cognationis. ut in. §. n. [illegible] et in. §. si uero. in auc. [illegible]
intest. ut. et. §. [illegible] in [illegible] succes. cogna. ubi glo. et [illegible] in auc.
[illegible] post fris. [illegible] agn. [illegible] agnator[illegible] et cognator. duo [illegible]
sione, statuit [illegible] mo [illegible] exclusis succedere [illegible] uide:
mus [illegible] [illegible]
[illegible] quia maxime [illegible]
turam ut [illegible]
[illegible] 42. [illegible]
[illegible] xij. [illegible]
tam mari [illegible]

amento, nec solu natos, uerum et posthumos inuitos et necessarios dicuntur hæredes [illegible] et [illegible] ab [illegible] lib. i. [illegible]

[illegible] quia turpe est accusare naturam, ut inquit Arist. 3. Ethi. s.

[illegible] tamen [illegible] aut in [illegible] contraria uerum [illegible]

[illegible] simi. Moueor autem quia licet [illegible] uno gradu proximior, [illegible]

sit agnationis et cognationis [illegible] 2, ac licet [illegible]

constitutioni [illegible] ab inte. [illegible] rub. 145. unde [illegible]

[illegible] franc. non [illegible] prædictos Fabium, et Danielem ex [illegible]

Nam si admitteretur, quod franc. est ex cognatis nunc [illegible]

de successione dubitari: sed [illegible] non sit cognatus Ioanni defuncto, sequitur quia

principali eius fundamento destructo corruat [illegible]

Sciendum est [illegible] quod istud uerbum cognati in iure multis modis accipitur, [illegible]

[illegible] diffinitur, hoc modo, [illegible]

[illegible] ab uno nati, i. illi, qui [illegible] fœminini sexus [illegible]

[illegible] habuerunt, ut [illegible] una, communiterque ab eodem nati. ita [illegible]

[illegible] in prin. et in. l. non facile. §. i. ff. de

gradi. affini. et de istis cognatis nos tractamus quod apti sint succedere, et

inferius demonstrabitur. Generaliter autem uerbum istud accipitur, quum comprehendit

non solum cognatos, de quibus proxime, uerum etiam agnatos [illegible] cosan-

guineos, affines, attinentes, [illegible] necessarios, et quouismodo coniunctos. ita

generaliter sumitur instit. de gradi. cognat. in rub. et nigro. ubi

uerba sunt clarissima. probatur quoque in. §. i. ubi glo. instit. de legi.

[illegible] tut. et in. [illegible] in. 2°. [illegible] ff. [illegible] legi. [illegible] in. §.

in acc. [illegible] et semis. ubi [illegible] agnationem capitur. dum dicitur, agnati,

[illegible] uirilis sexus cognatum [illegible] hoc modo sumpto istud uerbum comprehendit

agna[illegible]

[illegible]

[illegible] 35. 9. 5. [illegible]

[illegible]

[illegible]

[illegible] uerba [illegible] c. [illegible]

[illegible] §. i. c. de imponen. lucrat. de

[illegible] uxor [illegible] dicat lex [illegible]

[illegible] sanguinitatem [illegible]

[illegible] con. 2. simul et [illegible]

[illegible] ad suc [illegible] succederet [illegible]

cognatio [illegible] foemina [illegible]

[illegible] viri et uxoris cognati [illegible]

Ioanni [illegible] Ioanni mre, erat affinis [illegible]

ni succederet, non potest in bonis [illegible] fuerunt [illegible]

tatis gradus, nulli existunt, ut dicit tex [illegible]

et Bar. post glo. in l. lex cornelia. ff. [illegible]

[illegible] quia affinitatis iura nulla successio [illegible]

tex. in l. affinitatis. C. comu. de suc [illegible] Ex [illegible]

ut potest non cognatis, non potest Ioanni [illegible]

dere fabiae et daniele [illegible] quos ex ius, et nomine [illegible]

Si tractaret de succedendo in boni [illegible]

[illegible]

esse adversarius [illegible] qui se [illegible] opposuit, et [illegible] a simpl[illegible]
[illegible] Victorii [illegible], a simili quod [illegible] testamento non [illegible]
[illegible] non tenetur [illegible] [illegible] approbet, ad [illegible]
[illegible] in l. non dubium C. de testa. sed [illegible] comparition [illegible]
quedam [illegible] admissa [illegible] ergo non potest allegare [illegible]
[illegible] qui non est certus adversarius. Praeterea [illegible]
[illegible] a [illegible] remissa [illegible] [illegible] com[illegible] [illegible]
[illegible] immissione in possessione [illegible] [illegible] obiectu corruit
[illegible] a doc. in auth. [illegible] C. [illegible] [illegible] Franchin in c. qui [illegible]
§. statuimus. x°. [illegible] nu. xi°. x°. quaeritur ulterius, [illegible]
cite, [illegible] [illegible] Cardi. Zaba. in clem. sape. in [illegible]
[illegible] Alex. in l. [illegible] [illegible] in c. i. x°. [illegible]
[illegible] [illegible] Bar. in [illegible] C. [illegible] scholarium
[illegible] xij. Baroa in. c. [illegible] causi [illegible] [illegible] Reg. [illegible]
[illegible] [illegible] Accedat tex. in [illegible] iuste possidet. [illegible]
[illegible] tabrus, et daretur a iudice [illegible] possessione missi iuste
possidere dicuntur. [illegible] addi potest, quod ista est modica [illegible]
est [illegible] substantiae [illegible] substituunt, actu [illegible] non [illegible]
in [illegible] [illegible] et in [illegible]. de accusa. Maxime [illegible]
immissi [illegible] bona [illegible] quia [illegible] iuris communis
[illegible] ut inquit tex. [illegible] in [illegible] C. de testa. Si
ex his, quae [illegible] inquisita ad [illegible] regula [illegible]
excogitare [illegible] [illegible] in statu [illegible]
[illegible] in causis possessoriis [illegible]
et minime [illegible] iudicio [illegible] in l. i. C. quorum bon. in l. ij. § [illegible] C. ubi
in [illegible] momentaneae [illegible] [illegible]
[illegible] de iure [illegible] in suo sign. 2°
[illegible] quod in iudicio possessorio [illegible] ideo in causis possessoriis [illegible]
[illegible] C. [illegible] de [illegible] in l. ij. C. [illegible]
[illegible] [illegible] consuetudine [illegible]
[illegible] [illegible] et moder. in [illegible] §. [illegible] et [illegible]
[illegible] non [illegible] [illegible] considerat[illegible] [illegible]
[illegible] [illegible] in
dicio [illegible] alia [illegible] in scriptura [illegible]
[illegible] ad utrumque [illegible]

·D·O·M·

Mag.ce atq. Ex.me D.ne Causa inter D. Franc.m Valentini et D. Io.m Ant.m Flora mihi uidet adeo clara et pene indubitata, quod ulteriori demonstratione non indigeat ut inquit tex. in l. 1. § dot. prec. & in l. continuus ff. de uer. obliga. maxi. cum agat coram Mag.a ura apud quam pauca multa sunt ut inquit tex. in auc. de consangui. & uteri fratri in prin. Nihilominus in sicca materia infrascripta subiicienda duxi non pro iuris allegatione sed pro facti maiori dilucidatione ut ex ipso facto et re sepius pertractata ius quod in eius residet pectore abundantius non oriat.r sed profluat, ut in l. si plagis § in clino ff. ad l. aquil. Nulli itaque dubiu, quod D. Franc.s potuit mandare flore ne se impediret super campo contentioso prout fuit mandatu, Nam ex confinatione ipsius Valentini de qua in processu fol. 47 t.o facta in 1558 16 maij in executione m.ti Cl.mi nris tec. constat campu ipsum contentiosum comprehendi in manso Mag.ci D. Comitis Antonij purlilian, qui Mag.s comes in 1536 16 maij uendidit Valentino omnia iura sua qua habebat super terris omnibus in Villa delle Tentis per Aloisium saccomanu cuius term. Aloisij hrdes cum curatoris interuentu et auct. atq. cum iudiciali decreto iura sua super dictis terris in 1555 6 aprilis cesserunt Petro hospiti fontis frigidi ut in processu fol 70 Et dictus Petrus eidem Valentino eodem anno sub die 24 Junij dicta iura ab hrdibus empta renunciat ut in in.to registrato in processu fol. 23. Vnde dictus Valentinus factus est dominus et utilis et directi dominij alterius cuiuscunq. ut not. 7. proinde cum dictus dominus Franc.s Valentinus fuerit et sit dominus et directi et utilis dominij ne dubit. sequitur ipsum iure merito potuisse et super proprietate et super possessione contendere : Flora aute nullo pacto obtinere pot, Nam licet in 1556 3 feb. q. Natalis saccomanus iura quae hebat super terris pmi pnt. Comitis Antonij, et eccle s.ti Georgij cesserit Dno cosme Chronaj ut in processu fol. 13 t.o Et dictus D. Cosmas eidem flore permutauerit dicta iura a q. Natale acquisita ut in instr.to diei 3 nouembris 1556 fol. 8 at licet ipse Natalis iura per eum ut supra cessa acquisiuerit a q. Angelo saccomano ut in instr.to diei 6 Julij 1525 fol. 56 t.o Et dominus Comes Ant.s eidem flore cesserit omnia iura qua habebat super terris tentis per q. Natalem ut in instr.to diei 3 aprilis 1557 fol 64 t.o & postmodu in augumentu precij receptis duc. 16 idem instrumentu approbauerit eodem anno sub die 4 decembris ut in processu fol. 29 t.o attamen terre tente per q. Aloisium in quibus successit Dominus Franc.s Valentinus sunt diuerse a terris alis tentis per q. Angelu et per eum cessis q. Natali ac per Natalem Dno cosme, et Domi D. Cosma flore hoc ex pluribus in processu probat.nr, precipue ex uenditionibus factis per D. comite Ant.m qui iura, qua habebat super terris tentis per q. Natalem cessit flora et iura super terris q. Aloisij cessit D. franc. Valentino. in instrumentis aute flora nulla nihilo ullibi fit de campo contentioso delle fossatte licet in quibusda fiat specificatio bonor., Pretera in confinatione terrar q.m quauis flora aucupatus fuerit campum contentiosum tn a confinatoribus non potuit obtinere, ut sibi daret in suis confinibus, Ut uidere est ex ipsa confinatione facta sub 1557 18 decembris

in processu [illegible] [illegible] [illegible] contra [illegible] in contrarium [illegible] [illegible] Franc. [illegible]
[illegible] cum [illegible] deposuerunt non modo campum contentiosum [illegible] [illegible]
et pertinere ad d. franc. [illegible] et [illegible] et [illegible] informati et cum
[illegible] affirmarunt campum ipsum semper fuisse [illegible] [illegible] per q. Alois. [illegible]
[illegible] [illegible] [illegible] tempore [illegible] [illegible] prius Domino Comiti
[illegible] et post [illegible] per ipsum Comitem [illegible] ipsi Domino
[illegible] [illegible] et non [illegible] [illegible] imo unus ex [illegible] confinatoribus affir-
mat [illegible] [illegible] [illegible] familiae arbitrium dicti [illegible] inter [illegible]
et [illegible] quod campus contentiosus obuenit Aloisio in portione vnaa cum
ea parte Valentini sine tot probationes et [illegible] et ex parte
[illegible] [illegible] [illegible] contra eum [illegible] ipsum Valentinum esse in causa [illegible] mani-
festissime ut praedictum fuit. Nec [illegible] [illegible] asserte cessiones filiorum q. [illegible]
de quibus in processu [illegible] [illegible] [illegible] [illegible] quia nec ipsi nec eorum
[illegible] [illegible] possederunt campum contentiosum. Unde quod non habebant cedere
non potuerunt. l. 1 C. de [illegible] iudi. l. 1 C. qui [illegible] [illegible]
de iurisd. omn. iudi. [illegible] et Quintil. in [illegible] [illegible] lib. 1 cap. 3 [illegible]
cessiones et remotiones filiorum q. Aloisij non [illegible] ut [illegible] nullum ius [illegible]
beneficium quod [illegible] [illegible] ultra quam per [illegible] franc. Valentinum fuit in
processu legitime probatum quod [illegible] cessiones fuerunt factae non [illegible]
modo [illegible] et precio et quod [illegible] dictus Flora dolo malo et fraudulenter
mercatus est. Unde [illegible] collusio inter alios fraudulenta non habet
praeiudicare Valentino iuxta [illegible] regulam alteri per alterum [illegible]
iuridicus [illegible]. Praeterea ipsi qui cesserunt, et [illegible] Valent.
per confinationem iam iura sua dilucidasse adeo quod ipsi nullo iure
potuerant [illegible] praetendere ius aliquod in campo contentioso, [illegible]
[illegible] se nullum ius habere in eo [illegible] ius quod [illegible] non
habere Flore [illegible] dolose [illegible] [illegible] prout fuit probatum
et constat in processu ex depositionibus [illegible] [illegible] fol. 35. 36. 37. 38.
Nec obstat quod q. [illegible] possedit campum ipsum contentiosum quia id
in processu [illegible] probatum ex adverso non fuit et si probatum esset non [illegible]
[illegible] quin ex confinationem Valentini [illegible] tempus [illegible] possedisse
[illegible] et in portione obuenit in divisionibus. Unde [illegible] impossibilis
[illegible] plures eodem tempore eandem rem in solidum possideant. licet [illegible]
ex [illegible] de proba. [illegible] [illegible] in [illegible] eodem modo. Tum etiam
[illegible] [illegible] possidisset quod [illegible] possideret ex permissione
Aloisij unde cum possessio [illegible] animo continuet [illegible] [illegible] in
[illegible] ff. de acqui. poss. et [illegible] Bar. in l. siue possideris
[illegible] prob. quae est possessio [illegible] animo [illegible] non [illegible]
[illegible] [illegible] in l. 3 [illegible] ff. de acquir. [illegible] [illegible] Bar.
in d. l. siue possideris. sequeretur Aloisium semper possedisse, et per
consequens modo Valentinum, qui in iuribus dicti Aloisij et [illegible] comitis
[illegible] successit ut praedictum et probatum fuit. Nec [illegible] possidere
dici [illegible] cum [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] possessionis [illegible] [illegible] [illegible]
[illegible] [illegible] quae possidenti [illegible] non [illegible] et inquil.
[illegible] [illegible] probandi non [illegible] [illegible]
[illegible] [illegible] [illegible] de prob. Minus

obstat si dicatur quod Valentinus occupavit flora possidere, ex quo mandavit ei ne super campo contentioso se impediret quod negatur expresse, sed ideo fuit mandatum quia Valentinus presenserat quod ipse flora intendebat se ingerere in dicto campo unde ad tollendas rixas et scandala quae oriri poterant viam m[agnifi]ci elegit ut supra, ideo non tibi bona consequentia mandavit ut se impediret ergo presupponit possidere, quia et qui excipit non per hoc videtur fateri intentione adversarii pro ut declarat Bar. in aut. si testis produ[ctus] et alibi si dicat . C. de test. et in L. 1. C. de prob: per textum in L. cum de indebito ff. eo tit. et idem Bar. in d. L. sive possidetis et in l. non utique ff. de excep. cum cum [illegible] simil.

Non obstat quod si dicatur confinia Valentini non inducere sufficienter probatione quia videtur quod ex quo flora nullo prorsus genere probationis concludentis probavit campum contentiosum ad se spectare nec unquam possessum fuisse ab eius autoribus, et cum in confinibus flora ac instrumentis suis nulla fiat mentio campi ipsius contentiosi, tamets in eis specifica mentio fiat de alijs terris et cum confinatores Valentini qui fuerint a communi deputati tamquam seniores et melius informati in executione m[agnifi]ci ... ac cum iuramento responderunt et deposuerint ipsum campum spectare Valentino et per quadraginta annos fuisse possessum, sequitur tali probatione esse non modo concludentem verum et concludentissimam maxime quia nemo presumitur immemor salutis aeternae, et quia ... melius informatis ... quidem ... quibus ultra quod in iudicijs possessorijs sufficit talis qualis probatio, cum in ipso iud[ici]o possessorio agatur de levi preiudicio et sufficit probatio per unum testem vel per famam ut inquit Bar. in L. 1. C. quorum bo. in L. 3. ff. si ubi in rem act. et ... momentanee C. qui legi ... in l. admonendi ff. de iureiur. et Matth. Afflict. in suo sing. 2. dicens tali casu hoc est in iud[ici]o possessorio solam famam vel unicum testem obtinere vim plenae probationis ... sumus et in materia confinium et bonorum antiquorum quo casu sufficit fama et sufficiunt testes de auditu ab eorum maioribus ut in C. licet ex quadam de prob. Bar. in L. non ... plis in repetit. C. eo tit. Matth. de afflic. decis. 83 nu. 7 congerit multa Hippol. de mars. in L. de minore §. plurimum ... questionis nu. 60. 63. 67 Corn. cons. 304 nu. 1 vo. 3 ... cons. 164 nu. 5 vol. 2 cons. 44 nu. 2 vol. 4 cons. 222 nu. 1 vo. 1 Alex cons. 90 nu. 2 vo. 6 Matth. de afflic. decis. 151 Inno. in C. veniens de ver. signi. cumulat dec. in C. 1 col. 4 vers. 7 ... causa ad appella. Feli. in C. veniens ... 1 col. 6 et 7 ... 4 conclusio de testi. soci. in reg. 187 in ... famam ... Deci cons. 427 nu. 2 et in d. C. veniens Fulg. in cons. 1... in princ. nu. 2

Alex: cons: 212 uol: 2 cols: 70, et cons: 84 col: 2 uol 3 et cons: 20 col 3 cols 25 et cons: 117 in 4° uol: Et quod in confinium probatione non requiratur arcte probationes sed sufficiat probare per presumptiones, et per probationes minus plenas nec non per [illegible] [illegible] et per aliud [illegible] [illegible] [illegible] per [illegible] [illegible] tenuit corn: cons 333 nu 4 uol: 1 et cons 171 nu 3 in 2° uol et in cons 113 sub nu 2 col 3 et [illegible] med: [illegible] in c cum [illegible] ubi et [illegible] canno de probat Abb in [illegible] super eo nu 4 de [illegible] et in c [illegible] nu 14 de [illegible] [illegible] cons [illegible] nu 8 9 et 10 col 7 et 8 in p° uol [illegible] [illegible] in d c cum causa Card in cle. 1 [illegible] de [illegible] Alex: cons: 40 nu: [illegible] 11 in 6 uol: et [illegible] nu 3 [illegible] nu 16 Propterea ex his [illegible] probationem Valentini esse sufficientem ad obtinendam causam. Nec obstat [illegible] [illegible] [illegible] fuisse possessorium et petitorium quia sufficit ex parte [illegible] non fuisse probatum, nec [illegible] quod petitorium respicit nec possessionem que possessorium concernit et conuerso ex parte valentini fuisse, [illegible] [illegible] et possessioni probandum et probationis domini [illegible] in iud° possessorio ut si equaliter de possessione probet iustior possessio [illegible] [illegible] qui [illegible] [illegible] [illegible] inuadat Bar: in l. si [illegible] ff. de acq poss qui [illegible] in l. 1 in fi c uti possi per tex: in l. sicut [illegible] de proba [illegible] Maxime quia possessorium aliud est [illegible], et aliud [illegible] ut [illegible] [illegible] et Pau: cast: in l. ordinarij C de [illegible] et idem Cast: [illegible] [illegible] [illegible] [illegible] sumarium [illegible] natura negocij exegit [illegible] [illegible], [illegible] lite pendente partes ueniant ad arma [illegible] [illegible] uel possessione [illegible] aut et quod ordinat ad effectum [illegible] [illegible] diffinitiuam sniam super petitorio in quo [illegible] [illegible] [illegible] [illegible] quale [illegible] dici iud^m [illegible] et [illegible] [illegible] potuit [illegible] [illegible] quod fuit deductum ultra quod utrumque iud^m et petitorium et possessorium possunt cumulari max: [illegible] difficultatis [illegible] [illegible] [illegible] Cast. Alex: Jas: et caeteri in l. iulij [illegible] ff de iudic. Ult° non obstat si [illegible] [illegible] bone non fuisse [illegible] [illegible] [illegible] sufficit quod in [illegible] actu comparuerit sub die [illegible] martij 1517 ut in processu fol: p° 17° et [illegible] ex quo de eius [illegible] [illegible] [illegible] unde [illegible] cum eo lis contestata fuit, ut in actu et scriptura [illegible] 17 marti fol 2 et proinde [illegible] est modo obijcere talem [illegible] [illegible] Sed cum Valentinus optime docuerit de iure suo [illegible] [illegible] id requisiuerat [illegible] docent acquisiuisse, et bona fidem [illegible], et quam fol 4 [illegible] [illegible] Justitia mediante ad id [illegible] compellis, et [illegible] declaratione qua [illegible] bone [illegible], et [illegible] app.tum cum [illegible] sicut d. valentinus instat, et petit L. D.

Flaminius de Rubeis Ju: utr: Doct: minimus

E [illegible]

[illegible] Zach. [illegible]

[illegible]

[illegible] nō [illegible] Ex [illegible]

[illegible] ne.

o p̃ine, fortassis meliori, iudicio Ex.ᵗⁱᵉ sue terminanda, et [illegible]
sequens. Primo itaque considero petitionem ipsius Philippi Mazocchi et
Menegotiorum responsionem. Nam Philippus Mazochus [illegible]
petit tamquam proximiorum agnatu conditionis preferri ipsis menegotijs in [illegible]
[illegible] quinque terre, et sic dictos menegotios condemnari ad [illegible]
petias terre, et ad faciendum ei retrocendicionis instrum.; ex altera vero menegotij excipiendo dixerunt se nō teneri retrocedere nisi [illegible] iam antea retrocedideruit D. Jac.° ex nobilibus [illegible] tus fuit, prout per sententiam. Nam [illegible]
bebat actioni sue contra menegotios, quia [illegible]
derivem toto [illegible] C. ubi in rem acti. Sed nulli [illegible]
negotij cum possideant petiam terre in loco dicto in Val [illegible], [illegible]
[illegible] D. Jac.ᵐ [illegible] ei [illegible] litem motam [illegible]
ipse se defendere [illegible] ad ipsam petiam terre in val. sicuti [illegible]
no. Bar. Bal. et doc. in l. [illegible] C. [illegible] in rem actio. Et cum D. Jac.
iudicium [illegible] susceperit, ~~[illegible]~~ ut patet in actu 20. [illegible]
in meo processu fol. 26. 17. et 27. nō potuit Mazocchum amplius [illegible]
[illegible]
Jac.° iudicij [illegible] condemnari [illegible]
laxandum petiam [illegible]
ex instrumento retrocedicionis facta D. Jac.° [illegible]
[illegible] quia colonus nō possidet ~~[illegible]~~ [illegible]
[illegible]
[illegible] Corn. in [illegible] 40. [illegible]
[illegible]
[illegible] 30. [illegible] 40. [illegible]
[illegible]
[illegible]
[illegible]
[illegible] contra eos [illegible]
[illegible]
[illegible]
[illegible] contra menegotios [illegible] Ba.
[illegible]

[illegible] cap. cum sim. Carsetis [illegible] 8. 92. in pr. col.
[illegible] n. 2. et 4 [illegible] [illegible] tutu, quod in tali
[illegible] comparare [illegible] nouis [illegible] assumerit [illegible]
[illegible] dixi quod [illegible] dicta [illegible]
[illegible] colebat [illegible] dicta [illegible] Jac.[m] [illegible] ultra
omnino dictum [illegible] quia [illegible] et [illegible] casu nro nec nouus fuit plurimis
[illegible] addidi [illegible] contra D. Jac.[m] quinimo
constat in processu [illegible] semper Mazzocchius preventus fuit et no recedendo a pro
nis Menegotior. ergo [illegible] dicta sententia nec contra Menegotios, nec
[illegible] D. Jac.[m] [illegible] [illegible]
[illegible] adhuc [illegible] nocui-
[illegible] Considero
itaque [illegible] D. Jac.[m] [illegible]
ideo ad id tollendum, dico aduertendum esse quod D. Jac. [illegible]
terrae in val de anno 1500 die [illegible] Januarij, ut in [illegible] x. [illegible]
dictum Nicolaum fuit tantummodo de anno 1502 de mense martij, ut in [illegible]
fol. processus, ergo no est credendum [illegible] dolo desierint possidere [illegible]
[illegible] temporis [illegible], na si [illegible] a tempore [illegible] conditionis facte [illegible]
[illegible] Menegotiis [illegible]
[illegible] non duo menses sed duo anni
[illegible] Praeterea D. Jac.
dicit uelle uidere, et [illegible] Menegotijs, no semel, aut bis [illegible]
[illegible] an uelle iudicium assumere [illegible] ut in processu folio
[illegible] usque ad fol. 27. et tamen [illegible] iudicium assumit, ex quibus actibus om
[illegible] collusionis suspitio [illegible]. Considero 2.o aliud ad [illegible]
[illegible] contra [illegible] Nob. D.no Melchiore seniore cum anno [illegible] 148[illegible]
[illegible] duc. xij. [illegible] ipsam terram in [illegible] tempore uendicationis
[illegible] Menegotijs. Sed si [illegible] D. Jac. [illegible] fuissent in [illegible]
[illegible] nulli dubium quod D. Jac. [illegible] quia uendicatur [illegible]
[illegible] de anno 1486. et Mazzocchius uirtute instrumenti [illegible]
[illegible] Nob. familiae de [illegible] de anno 1537. ex quib. [illegible]
[illegible] Menegotijs, D. Jac. uendicare potuisset a Mazzocchio [illegible]
[illegible] rei [illegible] illa [illegible]
[illegible] domus Nob. de [illegible]
[illegible] potior [illegible] in [illegible] l. 9. C. qui pot. in [illegible]
[illegible] si fiduim. l. diuersis. C. de [illegible] D. Jac. [illegible]
[illegible] magis potuit a manibus Menegotior. [illegible]
multo magis uinco [illegible] accusationi [illegible]

[illegible] Nec [illegible] si dicat [illegible] ad [illegible] [illegible]
1480 quia iam [illegible] erat [illegible] [illegible] factam à R.do et Ecc.ti D.
[illegible] ex nov. [illegible] [illegible]
[illegible] tamen [illegible] [illegible]
liter [illegible] illi [illegible]
[illegible] l. qui in [illegible] ff. de [illegible]
[illegible] [illegible] [illegible]
ubi no. Bar. C. de [illegible] [illegible]
Quid. n. [illegible] ipsi, videntes [illegible] an-
ni 1486 [illegible] et [illegible]
[illegible] ad [illegible] [illegible]
[illegible] Sed [illegible]
[illegible] ex post [illegible] [illegible] 1499. M. D. [illegible]
[illegible] dicta [illegible] familia et
[illegible] nunc admittenti ad redimendum. [illegible] ego dolo [illegible]
Zocchus, [illegible] quod statim restituamus esse. l. dao [illegible] ff. de lo.
[illegible] ex [illegible] modo [illegible]
[illegible] ad [illegible] [illegible] memoriae [illegible]
quod [illegible] [illegible] esse [illegible]
[illegible] possidente [illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible] Marzocchus [illegible] D. Jac.us [illegible]
ad maius [illegible] [illegible]
[illegible] D. Jac.us [illegible] manifestissima [illegible]. Addo, quod [illegible]
Marzocchus [illegible] legitima [illegible] solum statutaria, quae est anno-
20. [illegible] annorum 30. [illegible] civili
[illegible] C. de [illegible] 30. [illegible]
40. [illegible] [illegible]
dico [illegible] [illegible]
[illegible] ff. de [illegible]
ad [illegible] 30 annorum [illegible]
annorum, [illegible] [illegible]
ad l. [illegible] [illegible]
[illegible] [illegible]
Ang. in [illegible] suo 55. incip. Guilielmus [illegible] Bal. [illegible] C. [illegible]
[illegible] Bar. [illegible]
si quis [illegible] aut subiectus. C. de [illegible] lib. x. in l. cum satis [illegible]
[illegible] Jas. [illegible]

ionit in trac. d. retrac. ii sanqui. §. i. in. X°. intra annu. glo. x. nisi fol. 37. 17°. nu. 33. 34. et. 35. [illegible] loco adduco, q dictus Marzocchus est [illegible] [illegible] [illegible] [illegible] [illegible] Sacru Conventi venit, [illegible] sicut [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] haere et [illegible] [illegible] eadem [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] omnia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] iusticia [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] esse iudicand [illegible] iudicium [illegible] [illegible] [illegible] [illegible] [illegible] D. Jac. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Marzocchio [illegible] [illegible] [illegible] D. Jac. sicuti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] hoc et omni [illegible] [illegible] [illegible]

minius [illegible] Rubeis i. u. d. utin. minimus

Quoniam [illegible] [illegible] [illegible]
[illegible]
[illegible] nunc ad [illegible] [illegible] veritatis, [illegible]
[illegible] ; ideo cum presens causa [illegible] Dom. Solior. A Azzano com[illegible]
[illegible] [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] inquit Aristot. iij. Metaphis. tum de causa quod [illegible]
[illegible] idem Arist. ait Rhetor. iij. Quoniam [illegible]
verum dicamus, sed oportet ut falsi causam explicemus teste Arist. vij. [illegible] x ij.
[illegible]
causa, cur verum apparet esse, quod verum non est, facit ut vero magis fidem [illegible]
[illegible] ideo [illegible] fieri potest ad [illegible]
prima quidem facie videtur dicendum sententiam latam per Dom. [illegible]
se [illegible] maiorem, [illegible] [illegible]
totum [illegible] Dom. appellatum, ex infra dicendis. &c.

Primo quia locatio ad longum tempus [illegible]
tio differre [illegible] 40. in [illegible] C. de loca. [illegible]
ius fisc. lib. xj. videtur tex. [illegible] in [illegible]
[illegible] in [illegible] Corn. [illegible] 100. nu. 3. in 2°
vol. sed emphiteota [illegible] transfert ius in re, ergo nec colonus in casu [illegible].
2°. facit tex. in l. [illegible] C. [illegible] ex [illegible] locatio-
ne [illegible] ex [illegible] Dom. [illegible] ex [illegible]
[illegible]

~~[illegible] certe §. is qui ff. [illegible]~~
~~[illegible] 200. col. [illegible]~~ habet tamen ius in re, si [illegible]
~~[illegible]~~
~~[illegible]~~ loca [illegible]
~~[illegible]~~ [illegible]
~~[illegible]~~

3. facit tex. in l. [illegible] veritatis. C. Loca. cum sim. ubi [illegible] ad [illegible]
[illegible] ergo [illegible]
[illegible] in locatione [illegible]
[illegible]

[illegible]
prescrip. 30. vel 40. an. dum dicit [illegible] colonus [illegible] prescribat [illegible]
nisi possessionem [illegible]
[illegible] uniformem pensionum prescribit ius colonia [illegible]
[illegible]

... [illegible] a Gotiis fuerunt excomunicati [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] pctt.

5° quia quatuor 30. uel 40 annos [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] 30. uel 40. in. [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] a Gotiis [illegible] nō possunt.

6° ~~[illegible]~~ quia q. Dominicus Tonellus locauit d. Angelo Bruno, et in locatione
[illegible] sed d. [illegible] Gotij in documento suo [illegible] successerint d. Enrico Tonello,
ergo [illegible] [illegible] succedit [illegible] [illegible] [illegible] in [illegible] eorum, quae [illegible]
fundamentum suae intentionis. l. ij. ff. de [illegible]. l. qui accusare. C. de eden. cum sim.

7° et ult° quia Gotij [illegible] in [illegible] [illegible] [illegible] creditores quondam
[illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible], [illegible]
[illegible] [illegible], [illegible], [illegible] Cap. s.ti Viti, nō obstante tali exceptione, [illegible]
[illegible] [illegible] ad [illegible], [illegible].

[illegible] nō obstantibus, [illegible] [illegible] nō [illegible], [illegible] [illegible] [illegible] [illegible]
[illegible] quod [illegible] [illegible] [illegible] in [illegible] fundamentum.

P° tex. [illegible] ibi [illegible] l. [illegible] [illegible] titulo. C. de [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et [illegible] [illegible], sequitur Jac. [illegible] [illegible],
[illegible] 13. [illegible] [illegible] [illegible] [illegible]. Roer. cons. 13. nu. 13. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

2° [illegible] [illegible] tex. in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] nō Gotij [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
3° [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
et loc. et cedauc. clas. 4. actionum. q. X°. locatio [illegible] [illegible] [illegible] [illegible]
[illegible] et [illegible] solo [illegible] [illegible] [illegible] solo [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] solo [illegible] [illegible] [illegible]
~~[illegible]~~ cum nihil tam [illegible] [illegible] [illegible] eo iure [illegible] [illegible] [illegible] [illegible]
nihil tam [illegible]. ff. de [illegible]. cum [illegible].

[illegible] [illegible] [illegible] [illegible] [illegible] litera. [illegible] [illegible] [illegible] Jac. in l. ij. [illegible]
doc. [illegible] [illegible] [illegible] [illegible] C. de iure emphit. Alex. in cons. 112. in p° uol. [illegible]
[illegible] cons. [illegible] col. xi. in. 2° uol. in quibus locis [illegible] [illegible] [illegible] locatio [illegible]
[illegible] [illegible] [illegible] [illegible] maxime [illegible] [illegible] [illegible] nihil [illegible], [illegible]
[illegible] pensio soluit, quia tunc nō [illegible] dici datio in emphiteusim cum [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] dominii [illegible] et expost singulis [illegible] anno [illegible] [illegible]
pensio. ut [illegible] doc. in locis [illegible]. et uoluit Bal. in l. i. C. de iur. [illegible]
Corsin. in [illegible] [illegible]. in [illegible] [illegible]. Sic in casu [illegible] cum [illegible] locatio [illegible]
[illegible] nō [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] 2. C[illegible]
[illegible] in anno [illegible] locationi [illegible]
[illegible] posse excomun[illegible]
[illegible] iurare [illegible] l. [illegible]
[illegible]
[illegible] in anno
[illegible] alien[illegible]
oratione [illegible]
et anno in annum [illegible] l. [illegible] ff. loca. [illegible]
et relocare in dubio [illegible] alienare l. [illegible]
[illegible]
[illegible] quod dixi [illegible] sufficit.

S. est [illegible] ff. loca. [illegible]
[illegible] loca. [illegible]
[illegible] colonis [illegible] anno [illegible]
uidetur [illegible].

[illegible] rex. [illegible] ff. [illegible]
possess[illegible] colonus [illegible] possessionem
[illegible]
dicit in l. male agit [illegible] 30. vel. 40. an. [illegible]
[illegible] locatum, ideo cum [illegible]
[illegible] possessionem nullo unquam tempore, [illegible]
[illegible] rex. in. d. l. male agit, et in. c. [illegible] possessionem. [illegible]
l. [illegible] possessione. ff. de usucapio. [illegible]
ls. C. de pet. here. [illegible]
ff. loca. [illegible] in loco [illegible] alle. in [illegible] fundamento.
[illegible] colonis [illegible] locatione [illegible] locationi [illegible]
[illegible] ff. loca. [illegible]
[illegible]
[illegible] alle. [illegible] 28. col. 2. [illegible] renouata [illegible]
[illegible]
[illegible] locatio [illegible] anno in annum [illegible]
[illegible] locatione [illegible]
[illegible] relocatione tacite renouata [illegible]
locatio de anno in annum [illegible] renouata, [illegible] ab initio cuiuslibet anni
[illegible]
[illegible]
ab initio cuiuslibet anni [illegible]
[illegible] cuiuslibet anni [illegible]
.2. [illegible] cap. 4. col. fi. et [illegible] lib. i. [illegible]
et [illegible]
[illegible] Alba. cos. 62. nu. 58 [illegible]

[illegible] ... de ... [illegible]

8° [illegible] ex [illegible] locationis [illegible] clausula promissione habet [illegible] quod si velit [illegible] et ibi Bal. et Ang. [illegible] edil. edic. [illegible]

[illegible] quia quo ad actionem personalem [illegible] solvere [illegible] [illegible] locatio [illegible] inductionem, ex [illegible] nec [illegible] hoc per difficultatem. [illegible] ad actionem [illegible] [illegible]

[illegible] excomunicari [illegible] si necessario [illegible] maxime [illegible] si quis [illegible] titulo, et tradit Franc. Bald. in tract. de [illegible] in 4. [illegible] sed talis [illegible] non fuit [illegible] [illegible] [illegible] agit [illegible] [illegible] Bal. et Saly. in l. [illegible] [illegible] alium in [illegible] [illegible] ex [illegible] in [illegible] [illegible] licet [illegible] actionem personalem [illegible] [illegible] actionem [illegible] possit [illegible] ad rei restitutionem quia non [illegible], max. ubi non est [illegible] glo. et doc. in l. si mali agit. et tradit Franc. [illegible] in d. tract. de [illegible] in loco [illegible] Et [illegible] nullo tempore [illegible] malam fidem [illegible] de iure Cannonico [illegible] actionem [illegible] cum ibi [illegible] [illegible] sed fides defuncti impedit [illegible] ut defendunt Canno. in c. si diligenti. ibi [illegible] Salic. in 4. col. et seq. [illegible] max. cum [illegible] in foro [illegible] ut ipse [illegible] [illegible] volumus [illegible] locatio [illegible] ad longum, aut ad modicum tempus. si ad longum [illegible] [illegible] finita [illegible] expelli [illegible] [illegible] [illegible] [illegible] [illegible] l. [illegible] [illegible] Ana. in d. l. mali agit. col. 2 et Alex. in d. l. [illegible] ad modicum [illegible] [illegible] [illegible] [illegible]

[illegible]

[illegible] presentis nostri causae praeiudicium. l. [illegible] [illegible] excus. [illegible] [illegible] ex [illegible] nostris non inducitur [illegible] [illegible] [illegible]

Et ult.° moueor. quia cum ex locatione [illegible] apparat et ex depositionibus testium in [illegible] [illegible] [illegible]
[illegible] in alia tñ causa examinari [illegible] [illegible] [illegible] domini terreni contentiosi et [illegible] [illegible]
[illegible] acuto locari, qua [illegible] [illegible] [illegible] [illegible]
[illegible] cũ in puni[illegible] in [illegible] [illegible] [illegible] [illegible] possint modo [illegible] et contra [illegible] depositionum
[illegible] pac. et [illegible] sacrosancte eccle. cũ [illegible]
[illegible] excommedit [illegible] [illegible] [illegible] [illegible] contra quod [illegible]
[illegible] in facto verisimili, licet contraria ipso iure sint subla:
[illegible] periculariis respondendum est.

[illegible] emphiteutico differre, et [illegible] sicut emphiteuta [illegible] [illegible]
[illegible] maxime in secu. [illegible] [illegible]
[illegible] omnia [illegible]

2.^m [illegible] contrariu nõ ob. [illegible] [illegible] quia cũ locatio in [illegible] [illegible] renouatã, et de anno in annũ finita, et [illegible] [illegible] [illegible] plus durari, ergo [illegible] max. quia [illegible] [illegible] [illegible] pacto contra [illegible] [illegible] [illegible] locator [illegible] [illegible] expellere posset, ergo [illegible] expellere possed.

3.^m [illegible] illud [illegible] [illegible] [illegible] ex [illegible] [illegible] [illegible]

1.^m [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] sua [illegible] hec maliu in hoc insidandu [illegible] tũ quia [illegible] ex [illegible] in [illegible] allegatis [illegible] [illegible] [illegible] [illegible] [illegible]
.107. sed forassis melius et plenius dictus [illegible] in [illegible] in .4.ta parte. n.° [illegible]. cũ [illegible] [illegible]

[illegible] ex. 20. junct.
[illegible] superius iacta. ideo superflui arbitror [illegible]
[illegible] Senatus Sigillarum [illegible] cum [illegible]
[illegible] indici possint [illegible]

[illegible] 40. ann. [illegible] bonis [illegible]
[illegible] ex [illegible] solet [illegible] per [illegible] rescriptione inducere, nisi bona fidem [illegible] [illegible] regulis [illegible], ergo [illegible] nullo [illegible] in [illegible] [illegible].

[illegible] illorum del Bene in possessione [illegible] Gorioz [illegible] exceptione [illegible] domini [illegible] aliud [illegible] Gorij [illegible], ideo in [illegible]

[illegible] magis [illegible] decisio [illegible] et [illegible] conformis dispositioni iuris [illegible] illa [illegible] declaravit [illegible] si Gorij [illegible] locare [illegible] del Bene Bruno [illegible] alteri [illegible] colonus dare, quia [illegible] rex [illegible] loca [illegible] iudicari ad favorem Gorioni, et [illegible] parte illorum del Bene [illegible] dicti Gorij et instant et petunt, hoc, et omni [illegible] accidit [illegible] colonus qui finita locatione [illegible] Alex. in l. si [illegible] possessor [illegible] ut [illegible] in [illegible] et licet [illegible] locatio [illegible] in [illegible], attamen si conductor [illegible] ad [illegible] Alex. [illegible] censoris Romae spectavit loca [illegible] ut tradit Alex. ab Alex. [illegible] dier. [illegible] quibus fuerit excommunicati [illegible] et qui [illegible] potuerint. [illegible]

f. Flaminius [illegible]

[illegible]

[illegible] Summitaris [illegible]

[illegible] fi. C. fa. [illegible]

[illegible]

[illegible] pater coram duobus testibus [illegible]

[illegible]

[illegible] cuius lex sublata est [illegible] 2° [illegible]

[illegible] guarita filia q. Dominici Gentili locatoris. Nam certum [illegible]

[illegible]

hanc l. j. in prin. ff. si quis a pa. fuer. manu. Bar. Jas. et [illegible]

qui admi. adeo [illegible]

[illegible]

[illegible] exclusus est q. filius fa. [illegible]

[illegible] tenet in cons. 53. nu. 8. in 7. vol. et est no. tex. in [illegible]

[illegible] Bal. in l. [illegible]

[illegible]

[illegible] et dumtaxat reddit quicquid filius familias Juri donare possit causa [illegible]

so fr. consentiente [illegible] inuocanti, et ista est q. nostra, circa [illegible]

[illegible] glo. et Bar. in [illegible]

[illegible] Bal. in [illegible]

... donationi ...

... 2° col. 41 ē contra, quod filiusfam. possit [illegible] mortis ... oc tenuit ...

... & ibi ... l. qui in ... H. de acqui. here. ...

... & quod ibi ... Ang. & Cuma. in l. 1. § fuit quaesitum. ff. an ... C. ... de ... Ara. in d. l. 1. ... con ... consil. 178. & ... in cons. 88. & hanc partem uidetur sequi ... sibi ipsi contrarius in cons. 87. in 2° col. ... & ... conclusio ... affirmatiua ... filio ... donatio ... doctor. & ubi ... hinc inde opi. ... affirmati. ... magis aequa, nam in dubio declinandum magis est, ut actus ... l. quoties. ff. de reb. dub. l. quoties. ff. de uerb. ob. l. ... supradicta posset ... alteri donare ... si filiusfa. ... ad pias causas ... ut Bar. tenet in d. l. qui in potestate. ff. qui test. fac. pos. ... a adulterijs testari prohibitus sit ... causa mortis donare potest ... pietas in filios ab eo ... eadem donare ... qui est ... uerga filios. ut probat in l. ... ut doc. tradit in Rub. ff. ... ut ... dicit ... cons. 58. & ... famem. C. de legi. c. odia. ... donatio est ... filius est ... consensu ... hanc opi. ... ex supradictis ... gl. ... potest ... possit ... respondet ... glo. ... pro ... dico ... iuris legis in ... donatio ... posset ... ius ... tradit Jo. an. ...

[illegible] sed in casu nostro minime ius laedit, quia [illegible]

[illegible] successiue [illegible] ergo [illegible]

[illegible] ubi efficiens [illegible]

[illegible]

ascens intestatus, sine nulla facta dispositione [illegible]

ab ipso dominico [illegible] ergo nemini [illegible]

quod dicit [illegible]

[illegible]

habilissimus [illegible] qua [illegible] dubitat [illegible]

dispositione ad [illegible]

[illegible] in casu nostro [illegible]

[illegible] quia is habebat [illegible]

[illegible] et uidemus in [illegible]

et [illegible] emere [illegible]

[illegible]

[illegible] donum [illegible]

[illegible] adimi [illegible]

pupillus [illegible]

[illegible] sufficit [illegible]

[illegible]

Item Bal. in [illegible] 82 [illegible] uol. [illegible] sola uoluntas [illegible] ergo

[illegible]

ad [illegible] necessaria [illegible]

[illegible] ut sibi [illegible] intrare, cui ad [illegible] liberalitas [illegible]

[illegible]

[illegible] potest patri [illegible]

[illegible] donator in casu nostro erat [illegible]

gitima aetatis, quia filias solum foeminas habebat, ut constat ex [illegible] donatio

in persona [illegible] et ex positionibus [illegible]

ulterius loco respondet ad [illegible] alio modo, et dicen[illegible]

ad fuit facta dominico patri [illegible] sed [illegible]

[illegible] portiones fratris primo [illegible]

quod potuit [illegible] ex [illegible] omnium doctorum [illegible]

[illegible]

[illegible]

ulterius ergo difficultas remanet [illegible] ad [illegible]

[illegible]

[illegible] quod [illegible]

[illegible] in causa [illegible]

[illegible]

[illegible]

[illegible] filio suo succederet et sic postea [illegible]
[illegible]
[illegible]
[illegible] ipsos agnati omni casu [illegible]
[illegible]
[illegible]
[illegible] filium emancipatum, uel filium in potestate et premorientis [illegible]
[illegible] ultima uoluntate facta filiis in potestate [illegible]
[illegible] responsione socii [illegible] non posset tollere dictam [illegible]
[illegible] mortis causa donatio [illegible]
[illegible] eodem casu. l. cum is superius allegata si adhuc uolumus dicere
[illegible] mortis causa donare loquimur eodem casu. d. l. uni. C. [illegible]
[illegible] si ergo pater filius donare adueticia in eodem [illegible]
[illegible] sequitur quod [illegible] donare possit [illegible] d. l. uni. [illegible] donare [illegible]
[illegible] socii asserit, sed [illegible] adueticia, [illegible] d. l. uni. corrigente.
[illegible]
[illegible] l. uni. parte quia [illegible] filius [illegible]
[illegible] uno si. d. l. cum is [illegible] filius [illegible]
[illegible] mortis causa donare, debet intelligi, [illegible] possit mortis causa donare [illegible]
[illegible]
[illegible]
[illegible] socii [illegible]
[illegible] d. l. uni. loquitur [illegible] et [illegible] l. i. §. et [illegible]
[illegible]
[illegible]
[illegible]
[illegible] ex his omnibus et [illegible]
[illegible] facta a [illegible] fratri et filiis [illegible]
[illegible]
[illegible]
[illegible] aduersis in prioribus allegationibus. Maxime [illegible]
[illegible]
[illegible]
[illegible] quod est exclusiua [illegible]
[illegible]
[illegible] in l. si cui. C. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] fuerunt excomunicati [illegible]

L[illegible] l. [illegible] ff. de [illegible]
[illegible] d'alteratione omnino
[illegible]
[illegible] ex [illegible] testium in person[illegible]
[illegible] manifestissime de-
[illegible] secundum [illegible]
[illegible] expressis in dicta tacite, quo fit ut
[illegible] non sit [illegible]
[illegible], id tamen nihil relevat [illegible]
[illegible]
[illegible] l. in [illegible]. C. de [illegible] cum sim. [illegible]
nec in probando dominio. l. cum res. C. de pba. nec in probanda
conditione. l. [illegible]. C. de [illegible] et ex. in
l. quotiens duobus. C. de [illegible] ubi [illegible] ad [illegible]
[illegible]
[illegible] ex. [illegible]
[illegible] non consistens substantia [illegible]
[illegible] sufficere quod possit [illegible] testes [illegible]
[illegible] [illegible] perdant. l. in exercendis. C. de
[illegible]
[illegible]
[illegible]
[illegible] locis non [illegible] casus isti [illegible]
de casibus exceptuatis ergo [illegible]
omitto quod in contractu locationis [illegible]
[illegible]

[illegible]
[illegible]tura sunt uerba [illegible] ut dictum, et ut ait Aristoteles in
i. cap. i. de interpretatione: scriptura sunt nota eorum [illegible] sua [illegible]
Sic tenendo quod ista omnia scriptura in [illegible] casu non [illegible]
[illegible]
[illegible] Petri, dico quod eosdem testes [illegible] quoque bonorum
omnium societatem dum dicunt testes ipsi eandem fuisse [illegible]
[illegible] Symonem, et Petrum de [illegible] insimul ad bona
[illegible] et ad mala, et idem esse de uno quod de
alio: ex quibus uerbis datur intelligi omnino contractam fuisse
[illegible] eos [illegible] omnium societatem, quia [illegible]
[illegible] bonorum [illegible] societas, illa uerba [illegible]
[illegible]
[illegible] uerba [illegible]
et effectu. ut in. l. si [illegible] ff. de leg. i. in. l. ad [illegible]
[illegible] adulteris et deci. in. c. i. col. 4. de rescrip. [illegible]
in. l. [illegible] §. decere. ff. ne quis eum qui in ius uoc. [illegible] l. i. §.
[illegible] uerba. ff. ut [illegible] l. nomen filiarum §. fi. ff.
[illegible] signi. l. i. §. accusationem. ibi multoque magis. ff.
[illegible] l. i. in fi. ff. [illegible] iur. l. [illegible] ff. de
uer. signi. Sic ex praedictis apparere communia esse [illegible]
[illegible] fratres ipsos acquisita sunt cum acquisita per fratres simul
cohabitantes [illegible] nulla societate expresse contracta [illegible] et
[illegible]
[illegible] uerb. sig. col. is. in prin. [illegible] et cum. l. [illegible]
[illegible] in p° tomo. et [illegible] et caeteri antiquiores doc. in
[illegible] et [illegible] §. alterio. ff. de admi. tut. et in
[illegible] de duobus fratri. et in. l. si [illegible]
[illegible]
[illegible] qui [illegible]
[illegible] quia [illegible]
[illegible] communicant, nec [illegible] inter eos reddit, [illegible]
[illegible] omnium bonorum [illegible] acqui-
sita [illegible] sunt diuidenda [illegible]

[illegible] x. [illegible] Cdfirme hoc, quod inter [illegible] Symonē et [illegible] bonorum omnium [illegible] unus quorum [illegible] contractum societatis [illegible] apparet, et [illegible] Agino[illegible] et nullas impensas habuit [illegible] filios parvulos [illegible] habuit Symon, sed tamen habuit uxorem [illegible] et labore [illegible] suis propriis laboribus paravit, ~~[illegible]~~ sicuti, tamen Symon solus [illegible] uxore [illegible] nimio si aliqua inaequalitas esse[t] [illegible] nibus, esset [illegible] contra Symonem ex quo [illegible] minores sicuti constat in processu, sive [illegible] pascendis pecoribus vacaverunt, ex quo [illegible] quidem [illegible]. Ideo ex his dicendum [illegible] fienda divisione sicuti inter socios [illegible] aequalitas in divisionibus, prout tradit Ancha[rano] [illegible] col. [illegible] S. Aug. in lib. de civitate dei, et dixit Corn. [illegible] .214. sub nu. 3. co. 2. in 4.° col. [illegible] socius [illegible]

Ex his [illegible] est dificultas divisionum fiendarum inter [illegible] materia [illegible] Cucciarellus. Alex. [illegible] in 2.° col. [illegible] .77. in 5.° col. Bal. [illegible] in 5.° col. et Corn. in

cons. 344. in p° vol. Bal. in l. i [illegible] C. pro soci. et in l.
[illegible] in [illegible] et
[illegible] in alijs quibusdam locis. Quia cum tamen Petrus
contulerit, quantum Simon, tantum debet consequi debet ex divisioni-
bus, quantum Symon et consequutinus. nam si bona paterna
communicavit Symon, bona itidem paterna communicavit
Petrus, si Simon habuit [illegible], [illegible] habuit
buit Petrus, ut constat ex depositionibus testium. Si Simon
et uxor operas contulerunt, et Petrus et eius uxor operati
sunt, nec filios Simonis habendos censeo in consideratio-
ne propter etatem puerilem, ut predixi, quia si modo
maior non excedit .4. annis, siquidem tempore contractus
societatis erat dumtaxat annorum .5. cum annis .9. dur-
averit societas in qua [illegible] dicti filij Simo-
nis [illegible], [illegible] emolumenta societati in-
tulerunt; ideo materia tractata a doc. in locis [illegible]
[illegible] divisionibus inter [illegible] faciendis non [illegible]
[illegible] facit ad hunc casum, quia illa considerant, cum
plus operae unus confert, quam alius, et cum unus com-
icavit plura animalia, quam alius, sed cum in casu
nostro sint hi fratres omnino pares, quia et quo ad
bona et quo ad operas et quo ad animalia tantum
unus, quantum alius contulit, concludo divisionem bonorum
omnium tam primorum, quam aliorum quorumcumque ex post acquisi-
torum durante communione, necnon mobilium, animalium et
[illegible] extantium equis portionibus faciendam ac aliarum re-
rum que sunt, ita ut tantum unus, quantum alius consequatur.
[illegible]

[illegible] ita censuit esse iure Ego flam. de Rubeis
[illegible] V. D. [illegible] minimus [illegible] Simoni [illegible] in [illegible]
[illegible] fidem me subscripsi et [illegible] sigillo meo signavi.

[illegible] Novembris [illegible] Celebrat[illegible]

[illegible] Pauli [illegible] obiter sic, ac [illegible] [illegible]
[illegible] Do. Franc[illegible] [illegible] Jo. Maria [illegible] [illegible]
[illegible] mediantem [illegible]
ipsa [illegible] ex mania [illegible] [illegible] [illegible]
[illegible] duc. [illegible] Do. Venet[illegible] beneficii [illegible] agnatis, [illegible]
[illegible]
[illegible]
[illegible] tamen [illegible]
[illegible] idi [illegible] omnes [illegible] supra [illegible]
[illegible] ex [illegible] quæ vidi, et mihi [illegible] narrata
[illegible] ad [illegible] [illegible]
[illegible] Dictam [illegible]
[illegible] prædictæ maiestatis [illegible] ad
[illegible] secundum [illegible] dicenda, et [illegible] cum ex [illegible]
[illegible]
[illegible] Attamen mens, et
intentio [illegible] nomine [illegible]
[illegible]
[illegible] duc. x. in [illegible] causam, [illegible] Rita [illegible]
communi nomine emere, ex quibus quidem duc. x. [illegible] ex [illegible]
[illegible]
[illegible] eidem, ad hoc, ut posset aliam portionem [illegible] emere, [illegible]
[illegible] ipsa ~~[illegible]~~
[illegible] ea [illegible] [illegible], nam et cum verba
[illegible] ~~[illegible]~~ ipsius, mens prævalet, ut [illegible] rex. [illegible]
et [illegible] cum virum. C. et fideico. [illegible] in conditionibus [illegible]
[illegible] condi. et demonst. [illegible]
Corn. de. 36. Nos [illegible] rex. [illegible]
[illegible] in feriis, sed in [illegible] et [illegible]
[illegible] rex.
[illegible] si cum mulier. ff. sol. ma. [illegible]
[illegible] voluntate [illegible]
[illegible]

[illegible] 3. [illegible] in c. [illegible] reg. iu. in 6° c. ex
[illegible] c. sedulo. 38. dist. et §. his [illegible] 22. q. 2. unde [illegible]
[illegible] i. [illegible] a quo fortassis tex. in dicto c. sedulo mutuatus est
[illegible] in corpore est visus ita in anima est mens, [illegible]
[illegible] semper uti nobilior secta[n]da est, sicuti venator sectatur leporem, ut doc[...]
[illegible] infinitis in locis [illegible] [illegible]
[illegible]: verba n. sunt vestimenta mentis [illegible]
[illegible] [illegible] pagi. mihi 280. in [illegible] ora. tomo ait; Non ex [...]
[illegible] vocum pendere [illegible] verba servire hominum consiliis et [illegible]
[illegible] et [illegible] ra ut homo longe eloquentissimus [illegible]
[illegible] in forum venimus iudicio Centumvirali [illegible] [illegible] vidit [illegible]
[illegible] cum contra eum prudentissimus homo Q. Mucius diceret [illegible]
omnibus M. Curium, qui heres institutus esset ita, mortuo [illegible] posth[umo]
[illegible] non modo [illegible] mortuus, sed ne natus quidem esset [illegible]
[illegible] [illegible] verbis hoc satis cautum erat minime [illegible]
[illegible] [illegible] qua si taciti [illegible] [illegible] verbis omnino [...]
[illegible] [illegible] verba reperta sunt [illegible] qua [illegible]
quae indicarent voluntatem. [illegible] [illegible] proverb. cap. 10. Qui [illegible] verba
[illegible] nihil habebit: qui [illegible] possidet est mentis [illegible] anima suam.
et tex. in [illegible] [illegible] [illegible] [illegible] taciti [illegible]
[illegible] est recedendum [illegible]
[illegible] [illegible] ambigua [illegible] [illegible] verba
[illegible] mens
[illegible] facit tex. in l. [illegible] §. [illegible]
[illegible] [illegible] ait quod si locum [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] c. et in hoc biennio [illegible] in [illegible]
[illegible] ex[illegible]ere [illegible] [illegible] [illegible]
[illegible] nominus ex coniectura [illegible] [illegible] [illegible]
[illegible] expulleris, si [illegible] [illegible]. Sic, ut innumera [illegible]
[illegible] [illegible] omittam, [illegible] mentem semper inspiciendam [illegible] verba [illegible]
[illegible] in casu [illegible] [illegible] [illegible]
[illegible] dicendum est! Ex hoc [illegible] fundamento rem
[illegible] prima conclusio [illegible] non fuit facta [illegible] [illegible]
[illegible] [illegible] m[agiste]r Andreas bonam fidem agnoscendo [illegible]
[illegible] [illegible] m[agiste]r Andreas non [illegible]
[illegible] tempore, nec [illegible] ille [illegible] alienaverit, sequitur [illegible]

tertium, quia consanguineus [illegible] [illegible] adiicio [illegible]
[illegible] error [illegible]
[illegible] dare retractum [illegible]
[illegible] tex [illegible] si cer. pr. [illegible]
beo. [illegible] supel. lec. [illegible]
[illegible] ex [illegible]
[illegible] D. [illegible] marini [illegible]
[illegible]
[illegible] acquireret [illegible]
[illegible] per [illegible]
[illegible] indicatum
[illegible] m.ᵒ Andrea
et sic eius consanguineis nullum prorsus [illegible] retrahendi. [illegible]
[illegible] a principio [illegible] pro dimidia
[illegible] acquireret, probat ex verbis ipsius [illegible]
[illegible] ponitur
ex [illegible] m.ᵒ [illegible] quia
ex [illegible] consanguineis, nemo [illegible]
[illegible]
glo. in verb. praecedat [illegible] Tanto [illegible]
in casu dubio, [illegible] in certo [illegible]
[illegible] fratri martini [illegible]
[illegible] qui mu=
[illegible] in [illegible]
casu quid ulterius ambigendum est. Quinimo [illegible] bex. [illegible]
[illegible] in principio [illegible]
et sua sibi [illegible] emere nomine proprio [illegible]
[illegible] fratro matheo haberet praeiudicium [illegible]
[illegible] l. eum qui mutuum. Praeterea considero, quod si m.ᵒ An=
dreas qui nomine [illegible] suo emit [illegible] relaxare, [illegible]
[illegible] aveo
[illegible] potuis
[illegible]
[illegible] ex.

[illegible]

[illegible] in [illegible] [illegible]
[illegible] nulla competat actio [illegible]
[illegible] spiritum. Sic
[illegible] nomine proprio in [illegible] fratri matthei [illegible]
[illegible] iam emptum ergo retractui nullus est locus.
[illegible] dici [illegible] licet dominus id possit simpliciter vendicare [illegible]
[illegible] emptum ut in l. si ea [illegible]. C. de rei vendi. [illegible]
[illegible] in [illegible] l. si [illegible] C. eo. tit. et [illegible]
[illegible]
[illegible] ad [illegible]
[illegible]
[illegible] alia esse [illegible] nisi ut bona descendant in familia [illegible]
[illegible] conventi [illegible] et sequitur [illegible]
[illegible] in glo. [illegible] aut consanguinei
[illegible] 20 in glo. i. nu. 30. Sed ista quae petit admitti
ad retractum est femina quae conservat nomen familiae ergo [illegible]
[illegible]
[illegible] nominis
[illegible] col. [illegible] 2. col. Rom. [illegible] 480. [illegible]
[illegible] 43. col. 2. et cons. 40. [illegible]
[illegible] 2. col. Corn. cons. [illegible] 2. col. [illegible]
et [illegible] 300. [illegible] cum [illegible]
[illegible] in tract. retract. consangui. in [illegible] nu. 61. 62. 63. [illegible] loco
[illegible] et [illegible] dispositionem et [illegible]
[illegible] tenuerunt doc. maioris autoritatis
et [illegible] tenuerunt contrarium. Si itaque [illegible]
[illegible] interpretandi
[illegible] sic cum [illegible]
[illegible] ut bona [illegible] in [illegible]
interpretando dictum [illegible] sicuti [illegible] descendendi
[illegible]
[illegible] beneficii [illegible]
[illegible]
[illegible] civiliter [illegible] in l. [illegible]
[illegible] femininum [illegible]
[illegible] sermonis, sed ex [illegible] et [illegible]
[illegible] [illegible] multa adducit ad hoc [illegible]

[illegible]

[illegible] cancio bone fidei id [illegible] dici assenario [illegible] m.º Andree [illegible] ad [illegible] admitti [illegible] tali casu cum sit similis cancio bone fidei [illegible] sola mutatio quedam nominis, nec ullum bonum stabile discedit a familia m.i andree retractu [illegible] ius est locus [illegible] ea, que scripsit [illegible] in [illegible] Tirag. in d. tractatu [illegible] g. i. in glo. ij. num. [illegible] Possem [illegible] multa alia adducere [illegible] negociis, his contentus ero que sufficere arbitror [illegible] totum [illegible]

[illegible]

Ita [illegible] mihi Flaminio de Rubeis [illegible]. [illegible] minimo [illegible] semper saniori iudicio [illegible] [illegible] fidem me [illegible] [illegible]

[illegible]

[illegible]

[illegible] n. ij. mihi fol. 173. quod solo [illegible]

[illegible] ad unu panē, et unu vinu, [illegible]

[illegible] firmat quoq; Rex. Gerar. et pr. Sanc. in suo [illegible]

[illegible] Alcia. lib. 2. et uer. sig. [illegible]

[illegible]

[illegible]

ta [illegible] omnium bonorum per omnia [illegible]
[illegible] ad [illegible] [illegible] constitutio [illegible]
[illegible]
[illegible] omnium bonorum [illegible] doc. dès [illegible]
[illegible]
[illegible] nor. [illegible] Recs. iii. [illegible]
[illegible] Bert. [illegible] 71. [illegible]
[illegible] cōnisio in tatum [illegible]
[illegible] omnium bonorum societas et si alter negotiet', et alter nō
[illegible] Alex. cōs. [illegible] col. [illegible] sub nu. 7. in i. uol. Soc. in d. cons. [illegible]
[illegible] uol. et cōs. 160. col. 2. uers. ex [illegible]
[illegible] dixit Ancha. in [illegible] cōs. [illegible] col.
[illegible] quod [illegible] exer [illegible] societate [illegible] si [illegible]
[illegible] tabellio; et unius aduocatus, Quid igitur obstat in casu [illegible]
[illegible] inter dictos io.[illegible] et [illegible] Nic. fres, cōtracta fuiss
[illegible] qui bona [illegible] possidentes [illegible]
[illegible] ex precepto, quod bona cōmunicabant,
et [illegible] à fratribus paragliaini cōmorātibus
[illegible] Nic. [illegible]
[illegible] Obstare uidetur lapidari in l. i. §. si quis hoc interdicto. ff
[illegible] tertia, prima [illegible] ubi dixit, limitāde illam [illegible] quod inter fres
[illegible] [redacted] [illegible] quod illud [illegible]
[illegible] acquisitur [illegible] ex [illegible] acciperet, et lucrū ex illa
[illegible] cōmunicabant, [illegible] [redacted] et in illis tamen dicit [illegible]
[illegible] quia ex cōmunicatione [redacted] [illegible]
[illegible] limitata societas [illegible]
[illegible] sequitur Corn. cōs. 199. [illegible] col. i. sub nu. 2. in 4°. uol. qui m[illegible]
[illegible] consentit. et Cons. 214. col. i. [illegible] uol. 4°. Ad istud respondetur
quod in [illegible]
[illegible] et [illegible] nō tamen sufficiant posse quin [illegible] maxima [illegible]
questio, utrum cōmunicanda, et diuidenda [illegible] colligitur ex [illegible]
[illegible] Ancha. et [illegible] habent, [illegible] lapides ac
[illegible] pāusois [illegible] actibus societas [illegible]
[illegible] Bar. in d. l. i. §. si quis hoc int[illegible]
et Rom. [illegible] Actus. n. qui nō possidet [illegible]
[illegible] Rom. ibi, et Alex. in cōs. 37. [illegible]
[illegible] 2°. uol. allegat. L. [illegible]

[illegible]

mini. 3. [illegible] indi [illegible]

[illegible] dicebat [illegible]

[illegible] ex [illegible]

[illegible] domus, et sic dom[illegible]

[illegible] dividenda. Respondeo [illegible]

[illegible] non esse contracta societas inter d[illegible]

[illegible] bona sua [illegible]

[illegible] sua [illegible]

[illegible] 302. [illegible]

[illegible] dixit [illegible]

[illegible] n. 3. col. 2. in 4°. vol. [illegible] 4.

[illegible] patrum [illegible] Patrum et [illegible]

[illegible]

[illegible] sub nu. 2. in 4°. tomo. ubi dicit [illegible] in extraneis [illegible]

nisi [illegible] communicata, tamen in fratribus omnium [illegible]

[illegible] societas [illegible]

municasset commodo [illegible] negociationis [illegible] alias [illegible]

sanguinis coniunctio nihil operatur, ex quo idem esset [illegible]

[illegible] in inactus citra [illegible]

[illegible] societatis [illegible] dictum [illegible]. Sic modo

in casu nostro [illegible] coniunctione sanguinis om. bo. societas [illegible]

[illegible] non [illegible] imo [illegible] in [illegible]

[illegible]

[illegible] domus. [illegible] nulla [illegible] in c.

[illegible] modo, et sic. [illegible] Alio

[illegible] societas, sed solum [illegible]

[illegible] dicit illud [illegible]

[illegible] communicasset [illegible]

casu nostro [illegible] communia [illegible]

[illegible]

[illegible] mihi col. 1. nu. 3. C. qui test. [illegible]

[illegible]

[illegible] i. proba. [illegible]
[illegible] cum sim. Respondeo [illegible] modo secundum
[illegible] respondet [illegible] si paternus [illegible] comu
cum. iud. [illegible] § .i. [illegible] quod [illegible] ergo [illegible]
[illegible] cui [illegible] sociales [illegible] uniformibus sed
[illegible] se [illegible] secus est quia tales
[illegible] universales societas [illegible] maxime inter fratres in casu aut uno
[illegible] quia [illegible]
[illegible] omnia necessaria [illegible]
[illegible] necessaria [illegible]
[illegible] inter [illegible] fratres societas bon. om. et sic bona omnia
[illegible] comunia. Sed adhuc [illegible] aliud requisitum
[illegible] in [illegible] casu quia
[illegible] separatim vixerunt dicti [illegible] et Ant. [illegible] Nic. [illegible]
per multos annos [illegible] in villa [illegible] ubi cum animam
[illegible] et Ant. [illegible] in villa [illegible]
[illegible] societatem quia societas tacite [illegible]
[illegible] unusquisque [illegible] et [illegible] in cos. 76. in
[illegible] societas tamdiu durat quamdiu placet socijs. ut in
[illegible] quamdiu [illegible] socii. Ad illud respondeo [illegible]
[illegible] in forma libelli [illegible]
[illegible] requirit [illegible]
[illegible] quod [illegible] divisio et sic [illegible]
[illegible] et [illegible]
[illegible] divisio [illegible]
[illegible] doc. [illegible] dicit [illegible] habitationem
[illegible] divisionem ~~[illegible]~~ inter [illegible] inter [illegible]
[illegible] usus [illegible]
[illegible] suam coniunxisset. sic in casu [illegible] ista separatio habi
[illegible] conditionis
[illegible]
[illegible] ipse [illegible]
[illegible] si [illegible]
iudi. ubi dicit. aut est [illegible] aut non est [illegible] primo casu

sed iuiisio inter [illegible] separatim [illegible] casu [illegible]
[illegible] communi [illegible] diuisionem [illegible]
[illegible] parte bonorum [illegible] dominis [illegible]
bonibus [illegible] bona omnia [illegible]
dictam [illegible] in [illegible]
[illegible] in [illegible] col. 3. in [illegible] 2. [illegible]
Ad id autem quod dixi societ. [illegible]
diu [illegible] parte [illegible] quare tacite dissoluitur [illegible]
trahit respondeo [illegible] ops [illegible]
dissoluendae societatis sicut doc. [illegible] in locis [illegible]
[illegible] in infinitum perdat quaestus [illegible]
[illegible] societas omnium bonorum [illegible]
[illegible] adversario condemnandos ad [illegible] hoc [illegible] omnia [illegible]
[illegible] non modo domum sed et alia bona.

Venio nunc ad 2m [illegible] minoris [illegible]
[illegible] nolunt conferre bona [illegible]
[illegible] ad bona [illegible]
[illegible] dic [illegible] subsiter [illegible]
[illegible] ipsum [illegible] ex [illegible] quaestionibus [illegible]
2o quia clerici testari non possunt de bonis [illegible] acquisi-
tis tex. est [illegible] c. cum in officiis. c. quia nos. [illegible]
[illegible] 2. [illegible] c. 1. c. [illegible] 12 [illegible] clericus [illegible]
non usufructuario, ideo [illegible]
tis. [illegible] d. c. cum esses [illegible] 21. et dixit Jo. an. in c.
[illegible] et Abb. in d. c. [illegible] in 2. no. [illegible]
est clericorum quod [illegible] bonis consumatur [illegible]
[illegible] eccl. [illegible] Quinimo Inno. in
quia nos [illegible] in [illegible] dicendis [illegible]
[illegible] cuius [illegible]
[illegible] nu. 30. 31. [illegible]
[illegible] a bonis [illegible]
de bonis [illegible] eccle. acquisitis.

2°. quia in dubio clericus [illegible] intuitu ecclie, [illegible]
[illegible] firmat Abb. in c. inquisitionis [illegible]
[illegible] dicunt [illegible] summa
in dubio, [illegible] acquisierit. fuit quia clerico [illegible]
[illegible] summa. 14. q. 3. [illegible]
[illegible] ecclie [illegible] beneficij. [illegible]
ciationis ut inquit Abb. in d. c. cum [illegible] 25. Stat ergo fir:
[illegible] acquisiverit [illegible]
[illegible] non potuerit
[illegible] filij. Mintea [illegible] q. 1°. [illegible] ut
[illegible] succes. ab [illegible].

Nec adversat huic conclusioni [illegible] Nicm habuisse licen:
[illegible] ab ordinario, prout attestat notarius qui testum eiusdem presbi:
teri Nic. conscripsit, quia [illegible] prout dixi supra, quod [illegible]
[illegible] ordinarius [illegible] dedit licentiam [illegible] bonis intuitu ecclie
acquisitis, [illegible] doc. Abb. in c. cum [illegible] 31. [illegible]
[illegible] in passu sed sola [illegible]
[illegible] assertione notarij, [illegible] cui assertioni non stat
[illegible] notarius credic [illegible]
[illegible] in c. [illegible] Vbi notarius [illegible]
[illegible] col. 1. [illegible] C. de edendo [illegible]
[illegible] fidem [illegible] in auth. si quis [illegible] Et denique privilegium istud
[illegible]
[illegible] in loco pub. [illegible] non tamen concesso, quod [illegible]
[illegible] dicta licentia [illegible] quod potuisset ab ordinario [illegible]
[illegible] habuerit [illegible] sacerdotibus
Quod [illegible]
[illegible]
[illegible] dicit [illegible]

q̄ aut in [illegible] & speciali [illegible] q̄ quia n[on] vid[etu]r iniusta quia materia est odii & clara q[uo]d n[on] succedat [illegible] ult[er]a si dicat [illegible] institutu[m] sed filios suos q̄ sic respo[n]d[e]t ex [illegible] quia respondeo secundu[m] doctrina[m] Bal. in l. cu[m] q[ui]s [illegible] [illegible] col. 2. nu. 4. quod [illegible] co[m]pilatione[m] [illegible] [illegible] q[uo]d is qui nu[n]quam [illegible] [illegible] mi ait Bal. si nulla filij [illegible] [illegible] in casu n[ost]ro nulla [illegible] [illegible] possit [illegible] [illegible] [illegible] villorum & valerij [illegible] sionis q̄ ideo cu[m] [illegible] & valerius uixerit i[n] domo [illegible] eius [illegible] ter modo dici [illegible] filij & valerij ipsi [illegible] institui q̄ [illegible] filij [illegible] [illegible] [illegible] [illegible] l. co[n]tra legē. ff. de legi. q̄ [illegible] tit. [illegible] quod agit [illegible] quod [illegible]

[illegible] [illegible] [illegible] [illegible] uictoria q̄ [illegible] minus aduersarios [illegible] [illegible] rigor [illegible] ~~[illegible]~~ ad [illegible] [illegible] dos [illegible] [illegible] q̄ [illegible] [illegible] sic [illegible] [illegible].

[illegible] [illegible]

[illegible] minimus.

[illegible] ex [illegible]

[illegible] ceteris [illegible]

[illegible] diversis locis. cu in [illegible]

[illegible]

[illegible] ex conplexu [illegible]

[illegible] dimicandu [illegible]

[illegible]

[illegible] amore lib. xxv. ait: nam sine [illegible]

[illegible] ait [illegible]

[illegible] ait, [illegible] domini [illegible] omnia ani[illegible]

[illegible]

[illegible] pater [illegible]

[illegible]

[illegible] sufficient [illegible]

[illegible] ait [illegible]

[illegible]

[illegible] dixit [illegible]

[illegible]

[illegible] milites [illegible] [illegible] dico [illegible] Ms. Part i
[illegible] et [illegible] [illegible] sacerdote [illegible]
[illegible] [illegible] ad [illegible]
[illegible] filio [illegible] aureibus [illegible]
[illegible] filio david [illegible] moreuns
[illegible] fi[illegible] [illegible] Qui
[illegible] filiu [illegible]
[illegible] cu[m] [illegible] filiu[m] eius [illegible]
[illegible]
[illegible] l. si
[illegible] nec [illegible]
inter [illegible] dicit [illegible] filijs [illegible]
[illegible] quarta [illegible]
[illegible] ne [illegible] procedamus [illegible]
[illegible] C. d[e] natur. lib. [illegible]
[illegible] ex [illegible]
[illegible] Reuertens [illegible]
[illegible] filius [illegible] una et eadem [illegible]
[illegible] sicut [illegible] ita et nepos [illegible]
[illegible] eadem [illegible] institutu[m] [illegible] in [illegible]
2° [illegible] filij [illegible]
[illegible] omnis [illegible]
[illegible] in locis [illegible]
[illegible] 2° [illegible] casu [illegible]
[illegible]
[illegible] 3° [illegible] casu [illegible] dicit Bal. [illegible]
[illegible] maxime
[illegible] ut Bal. dix[illegible]
[illegible] in terminis [illegible]
[illegible] ex [illegible]
[illegible]
[illegible] nepos [illegible]
[illegible] omni[illegible] [illegible] Etiam. 3° [illegible]
[illegible]
[illegible]
[illegible] aut als [illegible] quia [illegible] fi[illegible]
[illegible] C. d[e] natur. lib. [illegible] nulla alia [illegible]

[illegible] ... castrense ... supra dixi in ca[illegible]

[illegible]

[illegible]

Verum [illegible] ad [illegible]

[illegible] consilium [illegible]

[illegible] quia [illegible]

[illegible] filium [illegible]

[illegible] sanguinis [illegible] non [illegible]

[illegible]

[illegible]

ad [illegible] [illegible] in casu nostro. [illegible] [illegible]
quia [illegible] gaudet [illegible] [illegible]
[illegible] in casu [illegible] [illegible] max. [illegible]
[illegible] [illegible] extremum [illegible]
[illegible] extremum [illegible] merita, [illegible] casu
nulla [illegible] [illegible] qui [illegible] nulla alia [illegible]
[illegible] [illegible] extremum vel [illegible]
[illegible] est nulla [illegible] omnium [illegible] minus [illegible]
[illegible] Bar. [illegible] natural. lib. dicit [illegible]
[illegible] in [illegible] gradus [illegible] in [illegible] quia [illegible]
[illegible]
[illegible] eadem [illegible] in filio [illegible]
[illegible] [illegible] [illegible]
[illegible] in casu [illegible]
[illegible] sine diminutione [illegible]
[illegible] casu isto. Dicam [illegible] [illegible]
[illegible] in [illegible] ibi dixit [illegible] [illegible]
[illegible] [illegible] [illegible] in [illegible]
quia [illegible] id est [illegible] ex [illegible]
[illegible] hominum [illegible] [illegible] sobolem suc-
cessionis [illegible] in [illegible]
[illegible] [illegible] filius, [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] in casu isto: max. [illegible]
[illegible] supra dixi, [illegible] [illegible]
[illegible] [illegible] ex [illegible]
[illegible] [illegible] in [illegible]
[illegible] in [illegible] [illegible] in [illegible]
[illegible] sit filius [illegible] sicut [illegible] appellatur natus ex
[illegible] ex [illegible]
[illegible]
homi. [illegible] [illegible] [illegible]
[illegible]
[illegible] [illegible]
[illegible] in [illegible] in [illegible]
[illegible]
[illegible]
[illegible] [illegible] [illegible]
[illegible] Laus Deo. o. M.

[illegible] Rubei [illegible] V. D. [illegible]

Mag.ce et Ex.me Domine. [illegible] Cyni et [illegible]
[illegible] ex [illegible]
[illegible]
ex [illegible] spurio [illegible] in [illegible]: Attamen [illegible]
Mag.ce [illegible] maiorē in clerico, q̄ in laico sicuti [illegible]
[illegible] breuiter [illegible] cord. [illegible]
[illegible] ut [illegible] tex. in auc. [illegible] et [illegible]
[illegible] non modo in laico, sed [illegible]
ior est ratio opinionis Cy. [illegible] et [illegible] doc. [illegible]
trariū minime posse sustineri [illegible] hac [illegible]
[illegible] satis suffi. in .2. allegationibus dictum fuit, [illegible]
modo hoc addendo [illegible]
[illegible] apostata et heretico [illegible] macula [illegible]
[illegible] responsionē, quia et [illegible]
ideo sic ostendi quia in apostata et heretico macula est in facto
in spurio, macula est in sanguine: adeo, et dico maculā [illegible]
[illegible]
[illegible] semper presumitur malus, ut dicunt doc. in [illegible]
[illegible] praecipue in .l. admonendi [illegible] ista macula
[illegible] est in facto et tū [illegible] tollit, quia si [illegible]
[illegible] cessat [illegible]
sed bonus presumitur ut dicunt doc. in [illegible] .l. admonendi [illegible]
[illegible] est in sanguine nullo modo [illegible] abstergi [illegible]
ra sanguinis nullo iure ciuili dirimi possunt. l. iura sang.
ff. de reg. iur. [illegible] sic in casu n̄ro macula [illegible]
guine [illegible] aliquo modo, sed ex [illegible]
[illegible] est [illegible] fructus et [illegible]
gelicū uerbū. [illegible] hoc, et [illegible]
.d. [illegible] allegationibus adeo esse dubiā [illegible]
nō sit [illegible] et indicari [illegible]
[illegible] in qua do.
[illegible]

Quod si uxor [illegible] in casu [illegible]

[illegible]

[illegible] nati ex clerico in [illegible]

[illegible] quod nepos legitimus ex filio spurio [illegible] et iste est casus alter, [illegible] ex incestuoso [illegible] si quis [illegible] ad id [illegible] eius instituere [illegible]

Accedit quod [illegible] dixit concubinatum in clerico esse grave crimen, [illegible] sicuti uxorem, et publice [illegible] estimandum, [illegible] ab eo, et sine aliqua monitione [illegible], qui beneficio suspensus est, ita quod si celebrat incurrit [illegible]

[illegible]

cwrici, [illegible] ciro (rdare [illegible]
cōmitter adulet [illegible]
[illegible] uorris [illegible] Vale.
[illegible] sua me plurimum commendo

Flaminius [illegible]
uo[illegible] [illegible]

Videndus tex. in l. si quis [illegible] [illegible] ubi [illegible]
nouo [illegible] in casu [illegible].

[illegible] caso [illegible]
Quo tamen mihi [illegible]

Inscriptione [illegible] filii [illegible] [illegible] [illegible]
Salomonis

An [illegible] [illegible] ex filio [illegible] possit [illegible]
in illo casu.

[illegible] 100.

Anno 1528 die 13 January [illegible] D. Rodulphus in eius testamento [illegible]
tam [illegible] D. Catharina eius [illegible]
ut in ipso testamento fol. 92 et codicillo fol. 94 [illegible] quam [illegible]
1532 die [illegible] septembris desponsauit D. [illegible] Georgio [illegible] dote [illegible]
[illegible] et in generaliter [illegible]
[illegible] non [illegible] futurum esse et post eius mortem [illegible]
[illegible] inter eius [illegible]
[illegible] maxime [illegible] quae erant pro
omnia [illegible] exceptis [illegible] eius [illegible]
[illegible] anno 1539 die 29 maij procurauit et obtinuit transactionem
[illegible]
[illegible]
[illegible] Georgius et D. Catharina eius [illegible]
morte ipsius D. Rodulphi [illegible]
[illegible]
[illegible]
pro [illegible] dare [illegible] mille et
D. Marie ipsius D. Rodulphi uxori quasdam [illegible]
[illegible] D. Catharina [illegible]
[illegible] mille cum residuo totius hereditatis [illegible]
[illegible] voluerit esse in libera dispositione ipsius Dnae
Catharine [illegible] ipsis [illegible] omni exceptio:
[illegible] ipsi [illegible] Georgio [illegible]
[illegible]
[illegible]
[illegible]

[illegible] ipsum [illegible]

[illegible] quamvis [illegible]

[illegible] quamvis [illegible] itaque [illegible]

[illegible] et [illegible] modo [illegible]

[illegible] et [illegible] Racone [illegible]

[illegible] 1518 [illegible]

[illegible] dicit Mariam [illegible] Caritas [illegible]

[illegible] et [illegible]

[illegible]

[illegible] Unde [illegible]

[illegible] et post diuturnam litem [illegible]

[illegible] dominus [illegible] posit [illegible]

[illegible]

[illegible] ius aliquod [illegible] virtute [illegible] in ipso

[illegible] et [illegible] ipsius [illegible] Catharine [illegible]

[illegible] ipsius [illegible] Catharine [illegible] :

Et [illegible] domina Catharina [illegible] quod dicta Maria

[illegible] Maria [illegible] in [illegible] quae tamen

[illegible]

[illegible] 1518 . 22 [illegible]

[illegible] dicta [illegible] contra [illegible]

[illegible]

[illegible] si [illegible] aliquod [illegible]

[illegible] von [illegible]

[illegible]

Et [illegible]

[illegible]

[illegible]

[illegible] uaris [illegible] Georgio [illegible]

[illegible] ipsi ut dicit, constituentis, cuius clausule natura [illegible]

[illegible] dicit [illegible] eo modo. l. iiij. [illegible]

[illegible] paul. [illegible] sicuti [illegible]

[illegible] tenent Bar. in l. fin. in col. pen. et fi. [illegible] quod [illegible]

quod si ea tenens [illegible] ad sortem [illegible] usuras [illegible]

do sortem prestor, [illegible] sit salvum ius [illegible]

[illegible] quod usuras [illegible]

salvo [illegible] excusat [illegible]

prestationem [illegible] potest ut [illegible] in tit. [illegible]

[illegible] est [illegible]

[illegible] Bar. in [illegible]

[illegible] creditor, in d. § 1. [illegible] l. cum in aliena § fi. ff. de [illegible]

[illegible] Sic ergo [illegible]

ius omne dotale sit reservatum [illegible]

[illegible] in hoc [illegible]

[illegible] ex cuius dispositione [illegible]

[illegible] sed aliquid [illegible]

[illegible]

[illegible] in quo ipsa post legata matri [illegible] haerede universali. D. Jac.us Geor.us ergo [illegible] ea rone ex [illegible] potuit retinere iura dotalia [illegible] sic bona [illegible]

[illegible] filio. nd veniunt ea, que [illegible]

[illegible] Sic dicebd [illegible] quod [illegible] bonor. [illegible] generali [illegible] clausula illa reservationis [illegible] et sufficius dicendum est [illegible] quod [illegible] facientes [illegible]

[illegible] solvisset. D. Jac.us Geor. [illegible] in quo ipse [illegible] creditor [illegible] restituere bona [illegible] ex persona creditoris [illegible] Adde quod si [illegible] sic satisfactum [illegible]

[illegible] in hoc casu [illegible] insinuata [illegible] esset donatio omnium bonor. [illegible] dos [illegible] donationis [illegible]

[illegible] donatione [illegible] veniat de do [illegible]

[illegible]

92. nu. 7. [illegible]

[illegible]

[illegible] 23. [illegible]

[illegible] ea dicenda donatio [illegible] doctores, maxime [illegible]

[illegible] col. 207. col. 1. in. 2. vol. [illegible] latissime [illegible] 150. in. 1. vol. [illegible]

[illegible] sit causa [illegible]

[illegible] Sic itaque ex [illegible]

[illegible] loci esse [illegible] in legitima [illegible]

[illegible] hac parte [illegible]

[illegible] Sed in [illegible] C. domo. [illegible]

[illegible]

Memor [illegible] ex instrumento transactionis dicti. 98. [illegible] communi[illegible]

[illegible] instrumentum [illegible]

[illegible] dilectionis [illegible] amore [illegible]

[illegible]

[illegible] quoni[am] [illegible]
[illegible] dolis, et [illegible] dis suspitionis, ut inquit tex. in [illegible]
[illegible] C. de transac. et ideo dicta transactio, que [illegible] aequiparatur
[illegible] quae est princ[ipalis] [illegible]
[illegible] nil (nec iud[ex]) arbiter [illegible]
sactioni. Considero modo uerba dicta [illegible]
[illegible] Nob. D. Caterina [illegible]
[illegible] bis mille, una cum residuo tot[ius] [illegible] et bonorum [illegible]
[illegible] in [illegible] et ius [illegible]
[illegible]
[illegible] uerbi [illegible] totum [illegible]
[illegible] C. de haer. insti. et l. pr. ff. co. tit. l. [illegible]
[illegible]
[illegible] residui totum [illegible]. Si ergo residuum, et sic totum restituere [illegible]
[illegible] Pondero [illegible]
[illegible]
[illegible] tex. [illegible]
[illegible] soci [illegible]
[illegible]
[illegible]
[illegible] maiorem adducit [illegible]
[illegible] totum [illegible]
[illegible] apud [illegible] finem. et inquit tex. in l. [illegible]
[illegible] prohibito toto fundo alienari [illegible] quoque ali[enatio]
[illegible] prohibita est, et l. [illegible] in usucapionib. ff. de usucapionibus [illegible] totum [illegible]
[illegible] et sic multa similia [illegible]
[illegible] uerba [illegible] quod est [illegible]
[illegible]
[illegible]
[illegible] 302. [illegible]
31. [illegible] uol. 3.o cum sim. infinitis locis quae possent cumulari. Pondero
[illegible] illud uerbum Bonorum, quod est generale, et continet quoque nomina, ut in
[illegible] 6.o [illegible] et est tex. in l. bonorum ff. de [illegible]
[illegible] [redacted] uniuersitatem sicut [illegible]
[illegible] sig. [illegible]
[illegible] appellatione bonorum [illegible]
[illegible] quod uerbum [illegible]
[illegible] possessori [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

sua, omni exceptione remota, et quia in ipso transactio [illegible]
cu in eorum [illegible] momili [illegible]
viam D. catherina uxore D. Jac. Georgij, quae non venire in [illegible]
sed [illegible] tione [illegible] Pratina adue[illegible]
[illegible] D. catherina et [illegible] et franc. nomine suo, et [illegible]
[illegible] obsanctioni [illegible] D. Jac. Georgius, et D. rodulphus
et [illegible] cum [illegible] D. jac. georgium [illegible] sibi [illegible]
volenti et scienti et consentienti non fit iniuria, [illegible] ut inquit
[illegible] de [illegible]
[illegible]

Adde quod est, quod omnes in omnibus suoriis modo [illegible]
[illegible] Codicillo [illegible]
[illegible]
illis, aut illorum aliquo, in toto, vel in parte uti contra [illegible] concordia, et [illegible]
[illegible] facta, aut scripta fuisset. [illegible]
[illegible] possit. et contra [illegible], ut inquit Jas. in l. [illegible] in prin.
col. 6. nu. 26. C. de iudi. [illegible] in l. [illegible] popu. [illegible]
in 3. 4. [illegible] principalis. [illegible] causa summaria ordinaria [illegible]
[illegible]

[illegible] Rub. 126. [illegible]

[illegible] mo [illegible] si [illegible] dos, quod [illegible] supius dicta, et allegata, et quia [illegible] causa, [illegible] modo fortius ex [illegible] Vltimo et Ferrandi cum patruelibus, omnes, et [illegible] Georgio [illegible] eiusdem sectura apparet. [illegible]

[illegible] [~~illegible~~] [illegible]

[illegible] Rom. cos. 04. [illegible] [redacted] [illegible] [redacted] [illegible]

[illegible] numeris. Item dos in legitima computatur [illegible] Castr. cos. 18. nu. 19. Anch. cos. 365 nu. 8. Jas. in. auc. [illegible] in. d. l. [illegible] novella. [illegible]

[illegible]

[illegible] sed [illegible]

[illegible] prima [illegible]

[illegible] al [illegible] [illegible]

[illegible] essi [illegible]

[illegible] molti [illegible]

[illegible]

[illegible]

[illegible] residui [illegible]

[illegible] residui [illegible]

[illegible] Canon [illegible]

[illegible]

[illegible] intelligenti [illegible] ... [illegible]
[illegible] matrimus [illegible] ... intelligentes si ipsum eo tempore
quo fuit facta trāsactio [illegible] poss[illegible]
[illegible] esse [illegible] sed quod illa clausula efficaciā habeat in tempus [illegible] quo
[illegible] hos [illegible] aliud [illegible] esse [illegible]

[illegible]

habet [illegible] ex ipsa trāsactio[illegible]
[illegible] pro instrumento trāsactionis. & ulte
[illegible]
ar. in l. [illegible] & constit. & no. in l. in emptis. C. de [illegible]
quod de dote est fauorabilis. 2 quia intelligit[illegible] dote [illegible]
[illegible] ... [illegible]
[illegible] mote [illegible]
[illegible] natarijs [illegible]
[illegible]
[illegible] ... aut bona [illegible]
[illegible] donatio [illegible] [illegible] reuocari nō [illegible]
l. [illegible] nu. 1. C. [illegible] dona. & matth. [illegible] affl. [illegible]
[illegible] inter [illegible] esse irreuocabilem affirmat. quod & Soci. firmat [illegible]
[illegible] col. 5. [illegible] 3.° loco [illegible] in 2.° uol. [illegible] est in l. [illegible] [illegible] 4. [illegible]
[illegible] donat. maxime [illegible]
[illegible] dixit Alex. [illegible] 142. nu. 2. in 2. uol. quod [illegible]
[illegible] in terminis [illegible] 143. nu. 3. [illegible]
[illegible]
Ne ob. modo tex. in l. [illegible] [illegible]. de lin. 2.° [illegible] reuocari nō posse
[illegible] ex [illegible], ideo restituet [illegible]
[illegible] [illegible] georgio [illegible] ex testamento
[illegible] potius in [illegible], maxime, quia illud
quo ad legitimā, & sui dote, ac alia bona restituend[illegible] uirtute trāsactioni
[illegible] donatarijs, nec tale testam[illegible] eis potuit [illegible], quibus [illegible]
erat acquisitum mediante transactione [illegible]
[illegible]
[illegible] omnibus [illegible]
[illegible] donauit [illegible]

[illegible] trāsactio
[illegible]

[illegible] ad fauorem [illegible] Catherine

[illegible]

[illegible]

[illegible] o. infine [illegible]
ao [illegible] roto [illegible]
nou [illegible] [illegible] locu [illegible]
[illegible] mon [illegible]
[illegible] Dianna [illegible]
[illegible] xii [illegible]
[illegible] ffirm [illegible] iii [illegible]
[illegible] dos [illegible] data [illegible] so [illegible]
lit [illegible] inhumni [illegible] canr [illegible] osim [illegible]
[illegible] induxi [illegible] Cech ind [illegible]
[illegible] sit [illegible] sponsa [illegible]
certi [illegible] loco [illegible]
[illegible]

[illegible]

[illegible]

[illegible]

Quoniam omne datum optimum, et omne donum [illegible] a Deo
est descendens a patre luminum, ut in c. [illegible] pio. [illegible] q. 2. [illegible]
non immerito Ethnici auctores a diis [illegible] exordia [illegible]
unde Verg. in Buc. [illegible] Iovis [illegible] Musae Iovis omnia plena
et Plato in Timeo [illegible] natura [illegible] xxxij. ait. [illegible]
cum omnes qui [illegible] modo [illegible] sunt, pro operis [illegible]
cuiuslibet, vel magni, vel parvi [illegible] in [illegible] solemus:
quanto nos [illegible] est de [illegible] ma-
nitum disputaturos, nisi forte [illegible] divinam
opem. Sic nos, qui verum deum colimus [illegible] in sermonibus
nostris Christi auxilium humiliter implorare [illegible] haec est enim
vera sapientia hominis [illegible] Pelagia in 2º [illegible] tomo [illegible] ingressu-
ta [illegible] nostra, atque [illegible] in [illegible] in [illegible]
[illegible] Christi itaque eiusque gloriosae [illegible] virginis ma-
tris Mariae nominibus [illegible] et [illegible] plurima facie
videtur dicendum agentes a limine iudicii repellendos, ne possint
petere testamentum relevari. 2º quia ipsis agentibus opponitur ex-
ceptio rei iudicatae, cuius natura est ut impediat litis instau-
rationem, ut [illegible] omnes in l. [illegible] C. de transac. l. i. ff. de
[illegible] l. fi. ff. de re iudi. l. [illegible] § si [illegible] ff. de [illegible]
[illegible] ubi [illegible] doc. est enim exceptio litis finitae et omnes excep-
tiones litis finitae sive per iuramentum lis sit finita, sive per transac-
tionem, sive per sententiam, impediunt litis [illegible] doc. per
[illegible] in locis praecitatis. Stante itaque sententia videtur di-
cendum, quod non possint modo agentes litem [illegible]
instaurare, et maxime per sententiam, quae pro iudicato aestimatur.
[illegible] multa [illegible] Ias. in l. iiij. § condemnatum [illegible]
43. ff. de re iudi. et idem Ias. in [illegible] ff. de re iudi. [illegible]
2. 3. dicit quod sententia facit de nigro album, et [illegible]
[illegible] et formam [illegible] et propterea ipsi senten-
tiae standum [illegible] tex. in l. i. C. de
re iudi. [illegible] ff. de [illegible]
[illegible] 26.

legitur: iudicatum determinat causam. Nec obstat obstare huic fundamento si dicatur, quod allegata [illegible] fuit [illegible] tra agentes, sed contra [illegible] alium [illegible], quia [illegible] dicitur quod cum substitutus capiat [illegible] in [illegible] locum [illegible] ut [illegible] cum tex. in l. [illegible] C. de [illegible] videtur sententiam ipsam [illegible] agentibus [illegible] iudicium inferre, et hoc tamen latius inferius disputabitur.
2° adducitur tex. in l. filiusfa. §. divi. ff. de leg. 1° [illegible] ibi immo in finalibus verbis ait, quod lata sententia pro creditoribus contra haeredem praeiudicat legatariis ut a le[illegible] excludantur, [illegible] per [illegible] hypothecam [illegible] creditoris quia aes alienum excludit legatarios [illegible] Alde. in cons. 88. nu. 3. in 3° vol. [illegible] in casu [illegible] dicendum videtur, quod lata sententia contra haeredem volentem [illegible] nocet [illegible] substituto [illegible]
[illegible] 3° adducitur tex. in l. ex [illegible] ff. de re iu[illegible] [illegible] Creditor litem contra filium institutum [illegible] obtinuit [illegible] facto [illegible] patrem [illegible] substitutus [illegible] [illegible] filium [illegible] substituto [illegible] [illegible] doc. ex eo. tex. quod lata sententia contra institutum nocet substituto [illegible] exequendi sententiam [illegible] [illegible] tex. in l. si superatus. ff. de pignor. ibi. Atqui aliud in lega[illegible] [illegible] quod lata [illegible] contra haeredem [illegible] [illegible] legata [illegible] ex [illegible] in nostro cum lata sit sententia contra [illegible] quae [illegible] [illegible] institutam, nocebit sententia ipsa [illegible] [illegible] ex [illegible] [illegible] 5° in casu [illegible] [illegible] ubi matrem suam filius haeredem scripsit, eandem [illegible] [illegible]
[illegible]
[illegible] tanquam sibi debita, cum mater habent pro mortua ob delictum d[illegible]

[illegible] cu post mortē [illegible] bona ipsa et [illegible] e
tamen ingerit ibi Paulus [illegible] [illegible] a [illegible],
inferendo [illegible] ad [illegible] nostrū [illegible] [illegible]
[illegible] lata sententia contra [illegible] [illegible] [illegible]
bona [illegible] in [illegible], [illegible] [illegible]
[illegible] institutā substitutis [illegible] inferat. [illegible] est tex. in
L. papinianus. §. si ex causa [illegible] ff. de [illegible] [illegible]
si [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] tamē [illegible] [illegible]
nō [illegible] sed solam [illegible] [illegible]
ibi lata sententia contra [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] dicitur, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
maxime [illegible] [illegible] [illegible] [illegible]
[illegible] ff. de usur. [illegible] substitutus [illegible] [illegible]
[illegible] [illegible] [illegible] facit tex. in L. si suspecta in
prin. ff. de inoffi. testa. [illegible] L. [illegible] L. si [illegible] in
prin. ff. de [illegible] [illegible] si [illegible] [illegible]
[illegible] [illegible] contra [illegible] [illegible] admittitur ad [illegible].
[illegible] ad defendendum causā [illegible] suo [illegible] max. [illegible] timor est [illegible]
[illegible] [illegible] ad [illegible] [illegible] [illegible] ex [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] lata contra [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] in [illegible] [illegible]
contra [illegible], nec appellaverint [illegible] [illegible] [illegible]
contra [illegible] latam [illegible] in [illegible] [illegible],
[illegible] iuvat [illegible] tex. in c. [illegible] [illegible] [illegible]
[illegible] ad [illegible] [illegible], si [illegible] [illegible] [illegible]
[illegible] quo ad [illegible] [illegible] de iur [illegible] [illegible] [illegible],
quo ad [illegible] [illegible] [illegible] [illegible], [illegible]
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~
~~[illegible]~~

Bal. in. [illegible] reg. ~~ff.~~ qui. Imo. [illegible] hypo. sol. ait, quod [illegible]
[illegible] [illegible] [illegible] facere [illegible] quod ex [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
quod facere [illegible] sibi imputare, et si substituti in presenti [illegible]
[illegible] [illegible] [illegible] [illegible] sibi imputare. et [illegible]
quod in presenti [illegible] [illegible] [illegible] [illegible] 8° [illegible] tex
[illegible] si [illegible] in §. [illegible] ff. ad trebelli. in quo [illegible]
habetur quod Titius institutus Sempronij rogatur, ut [illegible]
[illegible] [illegible] [illegible] cui Sempronio Caium [illegible] [illegible]
[illegible] [illegible] Caius [illegible] [illegible] hereditati, [illegible] [illegible]
[illegible] Sempronius [illegible] [illegible] restituit [illegible] inde Caius
substitutus [illegible] quesitum fuit an sententia lata [illegible]
substituto ~~[illegible]~~ contra Sempronium institutum [illegible]
fideicommissario cui facta fuerat restitutio, et dicitur,
[illegible] ergo [illegible] in casu nostro [illegible] uidetur [illegible] 9° [illegible]
[illegible] fortiter. tex. in. l. [illegible] §. pen. ff. de [illegible] [illegible]
[illegible] [illegible] denuntiare substituto sed sufficit denuntiare heredi [illegible]
[illegible] [illegible] [illegible] [illegible] in casu nostro [illegible] [illegible]
[illegible] [illegible] non sufficit quod in [illegible] fuerit in [illegible]
[illegible] [illegible] [illegible] respondere, [illegible] [illegible] ad [illegible] [illegible]
quod [illegible] ex eo quod dixit [illegible] glo. in [illegible]
[illegible] [illegible] ubi ait quod sententia lata contra [illegible] [illegible]
[illegible] principale [illegible] in [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] contingit [illegible] licet [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] condemnari [illegible] [illegible] contingit [illegible] principal
facit quoque glo. in. l. et imo [illegible] ff. de re iudi. in prin. [illegible]
dicunt Ang. et Imo. quod si [illegible] facio condemnari [illegible]
debitorem, alij eius creditores non [illegible] opponere, quod [illegible]
[illegible] [illegible] [illegible] quia [illegible] principaliter [illegible] [illegible]
[illegible] [illegible] quod si [illegible] ad [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] quia [illegible] [illegible]
[illegible] [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] in. l. [illegible] ff. de [illegible] obliga. Ex quibus uidetur [illegible]
[illegible] [illegible] [illegible] [illegible] eo quod [illegible] [illegible] casu [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] ~~maxime~~ quia [illegible] [illegible] et substituti
maxime ante eiusdem casus substitutionis causa tractari
[illegible] [illegible] [illegible] [illegible] pertinere. allegatur. l. qui testamento

fa. 2ª in prin. ff. de testa. / in l. dictnibus. C. eo. tit. et in §. [illegible] insti. de [illegible] glo. in l. [illegible] [illegible] primo in c. iij. de testi. / glo. in l. omnibus. C. [illegible] in [illegible] l. qui testamento. [illegible] fi. §. similiter modo cum tex. C. de [illegible] [illegible] amici facta [illegible] [illegible] liter tractatur [illegible] quod sicut potest ea [illegible] habiat nocise [illegible] [illegible] cum [illegible] in casu nostro [illegible] substituor de iudicio [illegible] [illegible] [illegible] [illegible] ff. de re iudi. [illegible]

tentia lata contra institutum, nocíat de substituto ad contradicenti. Sicut quoque in simili [illegible] [illegible] domino [illegible] cat per tex. in [illegible] l. saepe, et tradunt domi. de Rot. in decis. 478. nu. 2. in nouis [illegible] nocet domino, sive sciat, sive ignoret. c. si [illegible] de feudo. si de feu. fuer. contro. licet tamen [illegible] dicat illud [illegible] vantia [illegible] perdere de iure communi. et possent alia simi[illegible] addusi, quae brevitatis causa ommitto [illegible]

[illegible] habendum [illegible] sunt tale arg.m [illegible] [illegible] §. i. in auth. de [illegible] [illegible]

[illegible]

[illegible] maxime [illegible] agitan[illegible] [illegible] ff. de re iudi. Sed [illegible] [illegible] [illegible] [illegible] nobis [illegible] supponuntur. Et primo quidem moueor ex tali fundamento, quod s. index debet totis uiribus inuigillare ad [illegible] [illegible] [illegible] fi. in finalibus uerbis. C. si min. se mai. dixe. in l. [illegible] [illegible] [illegible] possent allegari. unde s. hier. in 3. Apologia [illegible] [illegible] mihi [illegible] 257. in 2.º tomo, Venetorum [illegible] [illegible] sola homines deo [illegible] facit [illegible]

est dictu, idque [illegible] in libro de moribus affirmat et Raph. volat [illegible]
[illegible] [illegible] 8. [illegible] in philosophia [illegible]
veritate. Et sicut sicut deus in caelo, ita iudex in terris iudicat, et
[illegible]
[illegible] dixit [illegible] [illegible] sapientia [illegible]
[illegible] mihi et Psal. 88. Veritas et misericordia praecedent
faciem tuam, et [illegible] 20. Veritas, et misericordia [illegible]
[illegible], et [illegible] 3.o misericordia, et [illegible]
[illegible] Veritati
non est [illegible] [illegible], ut inquit l. [illegible] C. de erro. [illegible]
[illegible] ff. de offi. [illegible] l. error. l. si non transactionis
C. de iur. et fac. igno. Quinimo ut veritas inquiratur quaedam
[illegible], quae [illegible] non considerentur [illegible]
[illegible] ff. si quis caute. Et Aristo. 1. topi. 8. Philosophos propter ve-
ritatem [illegible] contradicere debere affirmat. [illegible]
[illegible] de [illegible] virtutibus, vel de formula [illegible]
[illegible] iustitia [illegible] veritatem [illegible]
[illegible] ad eligendam veritatem [illegible] Calumniae [illegible]
[illegible], ut in c. caterum de iureiur. prop. cal. dan. et in l. 1. C. eo. tit.
[illegible] ut in l. [illegible] C. de [illegible]
[illegible] Fuit sub Tiberio [illegible] Drusi, ex [illegible]
[illegible] familia [illegible] sunt, ut [illegible]
Aug. lib. 2. [illegible] 40. Ac Lepida matrona nobilissima
servi questioni subiecti sunt, ut idem cor. Tacit. est [illegible]
[illegible] Iudex [illegible]
[illegible] ex officio suo [illegible] accusationem [illegible]
[illegible] possit, ut [illegible] C. de [illegible]
l. iiij. [illegible] ff. de
infra. ubi [illegible] lex. [illegible] lex. in
cons. [illegible] col. 2. in 3.o [illegible]
[illegible] 146. col. 3. [illegible] cons. 59. Et hoc casu [illegible]
[illegible] testes domestici, qui alias repelluntur,
admittuntur ad testificandum, ut no. Spec. in tit. de [illegible]
§ [illegible] cons. 59. et [illegible] lex. [illegible]
[illegible] col. [illegible] si [illegible] veritatem [illegible]
[illegible]
[illegible] iudex non [illegible]
[illegible]
[illegible]
veritatem immutari, inquit tex. in c. qui scandalizaverit. de
[illegible] iur. et [illegible] si verum est, quod veritas [illegible]

2.

[illegible]

[illegible] vincit, ut [illegible] tex. in [illegible] dicitur. 8. Vincat. et
in praesenti [illegible] [illegible] noster
Petrarca in sua [illegible] 5to [illegible] dissi [illegible] Vinca il
[illegible] [illegible] in [illegible] [illegible]
[illegible] la bugia. [illegible] [illegible] ex [illegible] quod [illegible]
[illegible] [illegible] [illegible] ex [illegible]
[illegible] et [illegible] ubi Bald. generaliter. in [illegible]
reb. credi. et [illegible] l. [illegible] §. et ijs. ff. de [illegible]
[illegible] l. [illegible] ff. de [illegible] [illegible]
[illegible]
[illegible] favorabilis; et [illegible] non modo angustari [illegible]
[illegible] iudicis [illegible] si in [illegible] nostro [illegible]
veniunt [illegible] ad [illegible] testamentum, angustantur
facultas [illegible] et [illegible] quod [illegible]
[illegible] ego [illegible] agentes [illegible]
[illegible] ad [illegible] testamenta, [illegible]
[illegible] [illegible] [illegible]
quod [illegible] testamentum non esset relevandum [illegible]
[illegible] numero testium [illegible]
vel quia sufficienter non probavit [illegible]
unde si modo isti substituti [illegible]
[illegible] et [illegible] et [illegible] probationi in [illegible]
[illegible] non sunt admittendi. nunc maxime [illegible]
[illegible] substitutionis [illegible] matrimonium [illegible]
[illegible] in 4o loco admittendi [illegible]
[illegible] quod [illegible] ex [illegible]
[illegible] ff. de [illegible] quod [illegible]
sed [illegible] quod non [illegible]
[illegible]. 3o facit, quia [illegible] testamenti favorabilior
[illegible] ut [illegible]
149. nu. 2. unde [illegible] tex. in §. 1. insti. quib. [illegible] ex
qui. caus. manu. non licet, in l. 1. C. de [illegible] in l. et
[illegible] in prin. ff. de [illegible] act. [illegible] ff.
[illegible] in l. [illegible] §. [illegible]
[illegible] ff. de [illegible] et [illegible] quod [illegible]
[illegible] ex [illegible] in l. si pars. ff. de [illegible]
testa. quod in dubio interpretatio est facienda, ut testa[illegible]

in c. 23. nu. [illegible] gaudium [illegible] [illegible] haer. [illegible] [illegible] cum [illegible] successio.

m[illegible] superveniat. & multa [illegible] Corn. cons. 216. nu. 12. in 3. vol. & quod [illegible] [illegible] facit silere causam [illegible], & [illegible] in tit. de testa. §. 1. [illegible] quid de codicil. [illegible] in ambiguis testamentis favendum esse, [illegible] testamenti [illegible] est ut multa [illegible] Corn. cons. 202. nu. [illegible] 2. vol. & propterea si causa testati est favorabilior, quam causa intestati & si testamentis favendum est, dicendum est quoque in praesenti casu [illegible] admittendos ad [illegible] ipsum testamentum, tanquam rei [illegible] favorabili [illegible], ut suprema testatoris voluntas [illegible], & [illegible] quod [illegible] arbitrium ut [illegible] tex. in l. 1. C. de sacrosan. eccle. & [illegible] voluntas [illegible] habenda est, ut ait tex. in §. disponat in auth. de nup. 4°. facit tex. in l. si [illegible] in prin. ff. de [illegible] ubi si mihi obligasti rem tuam, & postea [illegible] creditori, & [illegible] succubuisti volens eam vindicare [illegible] non [illegible] tuam, illa sententia contra te lata mihi non nocet, sed potero probare, quod [illegible] mihi obligasti, & sic patet ex eo tex. quod cum [illegible] sententia contra [illegible] ex [illegible] talis sententia [illegible] non praeiudicat, quia [illegible], [illegible] eodem casu [illegible] in terminis [illegible] [illegible] instituta succubuerit ex eo, quia sufficienter non probavit, substitutis modo agentibus nullum [illegible] iudicium illatum [illegible] tex. in l. fi. ff. de [illegible] [illegible]. 5°. facit [illegible] titium & si sine liberis morienti substituat sororem [illegible] inde [illegible] titius relicta uxore [illegible], [illegible] ventrem [illegible] [illegible] ipse titius [illegible] [illegible] [illegible] ventrem, licet [illegible] [illegible] substitutionis [illegible] magis [illegible] admittendos [illegible] [illegible] ad [illegible] testamentum cum iam [illegible] substitutionis ex quo [illegible] instituta [illegible] [illegible] 6°. facit regula generalis [illegible] [illegible] quod res inter [illegible] [illegible] [illegible] l. saepe. ff. de re iudi. l. [illegible] in fi. ff. [illegible] [illegible] ff. de excep. rei iudi. & [illegible]

in [illegible] [illegible] [illegible] [illegible] ius [illegible] [illegible] [illegible] patit tex. in [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
glo. que multa adducit in aut. [illegible] [illegible]. in verbo
[illegible] [illegible] [illegible] [illegible] [illegible] infinitis que [illegible]
[illegible], [illegible] [illegible] eius regula, ponit Bal. in l. ingenuum
ff. de stat. homi. [illegible] [illegible] [illegible] [illegible] [illegible] ac alias
assignat Alex. in [illegible] [illegible] [illegible] [illegible]
Exempla [illegible] et similia multa possent cumulari sed quae-
dam pauca subiecisse contentus ero. Videmus itaque, quod
si sit mota lis contra unum ex coheredibus [illegible] [illegible] [illegible]
tus non comparat, sententia lata contra eum [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] sibi salvum esse nec [illegible] se impedire sciens non in-
[illegible] [illegible] [illegible] [illegible] praeiudicare. Ita Alex. in d. l. saepe
[illegible] tex. col. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]. Simi-
liter sententia lata contra aliquem, qui [illegible] [illegible] [illegible]
non nocet [illegible] [illegible] nec sententia [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] domina [illegible]
[illegible] l. lucius ubi Bar. ff. de insti. et in [illegible] [illegible]
[illegible] §. quaeritur. ff. ad l. iul. de adult. [illegible] [illegible] [illegible]
quod sententia de falso lata contra testes non praeiudicat
[illegible] [illegible] [illegible] [illegible] in l. i. C. qui accu. non poss.
Et sententia lata super falsitate testamenti contra [illegible] [illegible]
nocet [illegible] [illegible] firmat Alex. dicens [illegible] [illegible] [illegible]
in d. l. saepe. col. 7. nu. 25. quia s. illa sententia non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
iudicet. Sententia quoque lata pro reo in actione [illegible]
contra [illegible] [illegible] non nocet alteri agere [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] scientiam [illegible]
tex. [illegible] Alex. dicit in d. l. saepe. col. v. nu. 23. Et sen-
tentia lata contra advocatum super praevaricatione non [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] ~~factum alterius~~ alteri non praeiudicat [illegible] transactio
fratris, [illegible] [illegible] praeiudicat alteri fratri [illegible] [illegible]
nisi [illegible] [illegible] habeat [illegible] [illegible] [illegible]

[illegible] res iud. non nocet

[illegible] de excep. rei iu.

teri id [illegible], l. iiij. C. si in comm. Et si frater meus ven-
dat communi predium, mihi id preiudicat, sed ego potero
partem meam vendicare l. i. C. comm. diui. Et diuisio in-
ter aliquos ex coheredibus facta, alijs qui id interue-
nire id [illegible]. l. coheredibus. C. fam. ercis. Et ait
tex. in l. licet. C. eo. tit. fam. ercis. quod pacta inter cohe-
redes inita inter eos sunt seruanda, [illegible] non
nocent. et actio tertij id preiudicat creditori. l. [illegible]
in fi. ff. de noua. Debitum quoque cuius ex patribus in co-
muni [illegible] aliq. id [illegible] . ut l. Ceteri. C. fam.
ercis. Et ex secunda [illegible] seruitutis, quam fecit titius
Seio, si mihi inferat preiudicium concessio non tenet. [illegible]
tex. in l. [illegible]. C. de serui. et aqua. [illegible]
ad [illegible] alieni [illegible] tenetur [illegible] l. fi. [illegible] ux. [illegible]
et l. totu. tit. C. ne fil. pro patre. et facit. l. fi. C. ad
[illegible] nemo debet ex facto alterius pregrauari
licet sic [illegible] nomine [illegible] nisi eius quoque interue-
niat consensus. ad quod facit tex. in l. [illegible]
ff. de reg. iur. [illegible] quoque no. decisionem [illegible]
in tit. de [illegible] sent. [illegible] §. 7. V°. sed [illegible]
[illegible] si duo fratres [illegible] in duabus [illegible]
et postea unus [illegible] consanguinitatem [illegible] uxorem
suam, et [illegible] causa [illegible] si alter pater
ex ijsdem [illegible] petat idem pronuntiari [illegible] et
uxorem [illegible] debet quia res inter alios acta [illegible]
[illegible] ait quod [illegible] iterum [illegible], [illegible] examinari
[illegible] [illegible] et [illegible] eiusdem [illegible]
tit. de sent. et hic [illegible] sent. [illegible] 20. §. 7. 2°. [illegible]
ubi ait quod si [illegible] litigat cum B. [illegible] prebende, [illegible]
B obtinet [illegible] et [illegible] cum mihi
[illegible] [illegible] mortem. B. [illegible] litem
mihi intendit, ego [illegible] obijcio exceptionem rei iudi-
cate, [illegible] quod ista exceptio [illegible],
quia res inter alios acta [illegible] facit. l. i. C. qui. res
iudi. non noc. ubi si [illegible] [illegible]
sine [illegible] me, et [illegible]

nihil [illegible] nocet. Et [illegible] sententia [illegible] afficit nisi [illegible]
[illegible] suo [illegible] [illegible] alteri [illegible]
[illegible] in iudi. [illegible] [illegible]
[illegible] in [illegible] c. 7. [illegible] 5. [illegible] ad
[illegible] pr. vide
tex. in [illegible] congerit [illegible]
ad [illegible], vnde sententia condemnatoria vel absolutoria
[illegible] ad alios in criminalibus [illegible] facit. Quinimo
quod plus videtur, si agamus pro rem unam ex una causa, [illegible]
[illegible] nullo exceptione rei iudicatae [illegible] ex
alia causa, ut inquit tex. in l. [illegible]
maiores. C. de inoffi. testa. [illegible] ~~[illegible]~~ in sacris literis
pluribus in locis meminerim ex alterius [illegible] puniendum, vel
ex delicto [illegible] peccato alieno, nec [illegible] filio sicut filius
[illegible] patris [illegible] eadem [illegible] eademque persona [illegible]
[illegible] unde legitur Ezech. 18. Anima [illegible]
ipsa morietur, et Deuteronom. 24. [illegible]
iniquitatem, [illegible] liberi, quod [illegible]
cap. 18. [illegible] ad prae-
[illegible] ait [illegible] uxorem [illegible]
[illegible] mariti sapientissimi [illegible] fama [illegible]
potuisse [illegible] filiam infamem [illegible]
[illegible] in honore, quod [illegible]
quidem [illegible] culpa unius alteri noceat, [illegible]
[illegible] sine culpa puniatur iux. tex. in c. sine culpa.
[illegible] Sed ne in his diutius immorer, [illegible]
ex [illegible] quod [illegible] alteri
non nocet, [illegible] quod res inter alios acta [illegible]
praeiudicium inferre, [illegible] in casu nostro dici [illegible]
[illegible] sententia contra [illegible] substituti [illegible] agentium
non nocet. 7° moueor ex tali fundamento. [illegible]
si in 1° iudicio agitato inter institutum [illegible] 3. [illegible]
substituti voluissent [illegible] iuribus suis, [illegible]
[illegible] videntur, ut [illegible] tenent, [illegible]
[illegible] tex. [illegible]
[illegible] inoffi. [illegible]

[illegible] status non [illegible] ex decreto [illegible] tex. in l. [illegible] [illegible]

et in l. titia ff. sol. [illegible] ita tamen. §. quoties. ff.
ad trebel. Bar. in l. ij. C. de usu. ar. quod tertius ad-
mittitur ad sui fauorem ad excipiendum et [illegible]
et si tamen [illegible] admissi uidetur, quod [illegible] sine
admittetur quia etiam si ad sententiam peruentum sit tertius,
[illegible] si opponens retardat executionem, l. a diuo pio §.
si super rebus. cum ibi no. ff. de re iudi. max. ut ait Bal.
quando aliqua cognitio requiritur, ut in casu nostro et [illegible]
nos sumus in fortioribus terminis, quia non sumus [illegible]
sed de principali interesse nostro, hoc est substituti agitur,
qui quoque non intendunt executionem impedire sed [illegible]
in alio iudicio probare de iuribus suis et propterea id
[illegible] nullo pacto denegari. 8°. moueor quia insti-
tutus et substitutus non dicuntur una et eadem persona
sed diuersae, nec substitutus repraesentat institutum sed repræ-
sentat defunctum, sicut et ipse institutus testatorem repræ-
sentat, nam etiam quod testamentum non ualeret quo ad haere-
dis institutionem, ualeret tamen quo ad substitutionem, prout
probat Benedic. Cap. in suo cons. 87. nu. 13. unde [illegible]
tur substitutus appellatur secundo institutus ut in l.
cicero. ff. de pe. in l. i. ff. de uul. et pup. no. omnino in
l. precibus. C. de impub. et aliis substitu. et si insti-
tutus passus est labi tempora agnoscendae bonor. possessionis
fideicomissario succurritur, nec ei praeiudicium infertur ut pro[illegible]
in l. facta. §. si quis bonor. ff. ad trebel. ubi Bar. et
Ang. tradunt casum statuti [illegible] dicentis, quod si [illegible]
[illegible] testamentum intra sex menses, testamentum
non ualeat, quia si institutus illud non insinuet, fideico-
missario per hoc nullum infertur praeiudicium quod et
Bal. uerum affirmat in l. ij. C. qui res iudi. non pos.
dicens haec formalia uerba, quod si ex forma statuti
[illegible] haeredis institutio, quia non fuerit insinuata
intra tempus praefixum, ex hoc nullum infertur praeiu-
dicium substituto, aut fideicomissario. et concurrit [illegible]
Corn. cons. 85. [illegible] ad probandum, quod sub-
stitutus [illegible] [illegible] institutum
defunctum, idemque firmat in cons. 257. nu. 4. in 4° uol.

Et licet ipsemet Corn. quadam adiuuat in cons. .. i. nu. i. x.° ..
tamen non est dum in p.° col. ad ostendendum quod
substitutus sit loco heredis, id tamen intelligitur quod sit ..
.. quo ad effectum et quo ad ordinem succedendi, ..
quod eius personam representet, et propterea in diuersa ..
persona et substitutus ~~succedat~~ representent .. de:
functi, et nec ~~..~~ instituti, ..
sententiam .. institutam in casu nostro .. ..
preiudicares. 9.° .. .. simili, pro sicut sententia lata
.. personam generaliter .. ad .. .. l. ij. ..
et iudi. ita uidetur, quod sententia lata contra institutum
sit restringenda ad eius tantum personam et .. preiudicet
substitutis .. .. personam ..
et .. quod arg.m a simili iux. .. .. ..
ticuli. .. duabus seq. ff. de legi. .. sim. X.° quia sen:
tentiam uerba stricte sunt interpretanda, ut multa con
terit Corn. in cons. suo. 345. nu. ii. in p.° col. et uerba sen:
tentie interpretantur contra illum qui ex illis .. ..
idem Corn. .. cons. 213. .. 21. in 3.° col. tamen Ve.. ..
217. nu. 7. in 2.° col. deci. cons. 43. nu. 3. et seq. col. i.
et cons. 222. in 2.° col. Soci. cons. 132. col. 2. uol. i.
et cons. 18. uol. 3. in 2. col. nu. 7. et in cons. .. col. 3.
nu. 2. eo. uol. Alex. cons. 104. nu. 2. uol. 7. et .. ..
l. .. ff. de .. .. .. sui, uel alie. iur. Jas. in l.
is qui pro emptore. ff. de usucapio. .. .. in l.
miles. §. i. nu. 4. ff. de re iudi. Alex. cons. 24. .. ..
2.° uol. et idem Alex. in cons. 174. nu. 3. in 2.° uol.
et cons. 109. .. 2. in. 2.° uol. ac .. .. 81.
ait sententiam .. .. quod .. ..
ex uerbis eius .. . et propterea dicendum .. ..
casu nostro .. sententiam non habere preiudicare ..
stitutis in presenti iudicio agentibus, tanquam odiosam ..
et restringendam iux. tex. in c. odia. de reg. iur. in 6.
.Xi.° .. .. in .. dicitur factam fuisse ..
.. .. .. et .. similem, unde

R .. .. ..
quod et talis .. pro
primari, pro .. filius
institutum heredem, ..
.. in legitima,
ut in l. .. in principio
.. testa. et ..
substitutum .. ..
.. in legitima filij
.. fideicommis:
.. ff. cum. l. seq. ff.
.. .. et .. Bar.
in l. ex ..
.. quod ..
.. .. si esset ..
et eadem .. ..
l. .. qui .. ff. de
usucapia:

dicunt ... quod in quibus casibus sententia praeiudicat ... tio fallit si collusio dicatur ... tunc ... praeiudicat ... hoc dic. Bal. in ... Corn. cons. 261. nu. 29. col. pe. in 4° uol. sed ex illa ... tione praesumitur collusio ... quod Dna Livia malitiose passa fuerit ... a Dno Gabriele ad damnu ... substitutor, ergo iure merito ... dicto ... transactionis collusionem ... sententia latam ... in praefatam ... Liviam ... posse ... iudicare ... substitutis. xij° quia substituti ... in iudicio ... haereditatem ... locus est instituto non est locus substituto iux. tex. in ... dicto ... non ... done locus erat Dne Livie ... in bonis ... cons. 30. nu. 2. ... sicut ... currit praescriptio iux. tex. in l. i. C. ... bo. mat. ita ... substi... non ... praeiudicare sententia lata ... quod ... L. sape ... cum tex. ubi dicitur ... praeiudicare ... in casu ... potuit ... substitutum ... xiij ... mento ... substitu... admitti ad ... testamentu ... illi ...

[illegible] illiterato [illegible] dicitur principaliter [illegible] conditione [illegible] in [illegible] subscribenti [illegible]
tex. in l. si quis sub conditione dandos decem. ff. de quis omnis [illegible] iudice [illegible]
[illegible] dixerit quod [illegible] uxorem dummodo [illegible] ad secunda [illegible]
D. Ant. [illegible] subscriptor [illegible] condi [illegible] l. 1. ff. et seq. [illegible] conditio [illegible] subscriptio [illegible] conditionali [illegible] primus [illegible] cond. [illegible] fecit ipse substitutus [illegible] dici [illegible] simili quod sicut [illegible] ne [illegible] ante conditionis [illegible] in l. secta. col. 4. ff. si cer. pe. Aut Alle. Bar in l. [illegible] §. [illegible] l. cum tempus. ff. de [illegible] substituti [illegible] subscriptionis [illegible] affirmare. xiiij. [illegible] Ult. memor [illegible] subscribenti [illegible] tempore [illegible] anno [illegible] sed in casu [illegible] substitutionis [illegible]

Facit tex. in terminis in [illegible] nisi sit [illegible] esset si hic [illegible] in [illegible] XV. [illegible]

[illegible] ~~[illegible]~~ [illegible]tur, [illegible] sententia [illegible] [illegible]

haber [illegible] vocem, [illegible] licet glo. [illegible] [illegible] [illegible] §. [illegible]

in no. 2. [illegible] [illegible] [illegible] sufficiat cum citari [illegible] [illegible]

[illegible] principaliter [illegible] mota, [illegible] tamen [illegible] [illegible]

ficiat quo ad hoc, ut sententia valeat, quia verum est, quod

sufficit cum citari [illegible] [illegible] principaliter [illegible] [illegible]

sed ad hoc ut [illegible] praeiudicet [illegible] [illegible] [illegible] [illegible]

ter citetur. l. si eo tempore. §. de remis. pign. ubi Bar.

[illegible] licet [illegible] [illegible] in l. si [illegible] in prin. dicat [illegible]

quod sufficiat citatio [illegible] [illegible] [illegible], ut sententia alijs in-

[illegible] praeiudicium, id tamen intelligitur, quando nomina cor

[illegible] [illegible] [illegible] [illegible] ignorabantur, quia [illegible] [illegible] [illegible]

[illegible] [illegible], si sua putant interesse. [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible], ut [illegible] [illegible] [illegible], nec sufficit [illegible] [illegible] [illegible]

[illegible], sed specifice sunt citandi, ut Alex. [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] magis [illegible] citari in specie [illegible] [illegible] [illegible]

[illegible], [illegible] [illegible] [illegible] lata sententia quia [illegible] [illegible]

[illegible] [illegible] parte principaliter [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] Bar. in l. ij. C. de [illegible] [illegible] [illegible] in l. [illegible] duobus

[illegible] [illegible] [illegible] [illegible] [illegible], [illegible] [illegible] [illegible] [illegible]

[illegible] princi[illegible] [illegible] [illegible] solum ad [illegible] vel [illegible] ad [illegible]

[illegible], [illegible] fideicommissarius universalem, licet in particulari

fideicommissario [illegible] sit, ut voluit Alex. in cons. suo. 95. nu. 22.

col. 4. in 6. vol. [illegible] [illegible]. in §. legatarijs [illegible] de testa. [illegible]

[illegible] in l. [illegible] [illegible] [illegible] [illegible] [illegible] in l. siquis ita. ff. de

reb. dub. [illegible] in l. si quis ita. in prin. ff. de testa. in [illegible]

[illegible] [illegible] [illegible], quod fideicommissarius [illegible] [illegible]

[illegible] [illegible] [illegible] successor [illegible] ad instar legatarij [illegible] [illegible]

in testamento. quia principaliter [illegible] [illegible] [illegible] [illegible]

[illegible] vel [illegible] [illegible] vel substitutus, [illegible] fideicommi-

[illegible] universalis [illegible] [illegible] [illegible] [illegible], quia princi-

[illegible] interest [illegible] si [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] praedicta [illegible] [illegible] prin-

cipaliter interesse, [illegible] principaliter spectant ad substitutos

causam testamenti in [illegible] cons. 65. nu. mihi. 26.

Alex. in cons. 84. ~~nu.~~ 7. in 3.° vol. ubi ait [illegible] posse [illegible], [illegible] [illegible] [illegible], nisi ipse citetur.

Sed [illegible] [illegible] [illegible] [illegible] quae dixi [illegible] [illegible]
[illegible] [illegible] [illegible] dico quod [illegible] [illegible]
[illegible] [illegible] medio [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] non [illegible] [illegible] ordinem [illegible] [illegible]
[illegible] ut [illegible] [illegible] in [illegible] xvi. [illegible] [illegible]
quod [illegible] [illegible] primo in [illegible], [illegible] [illegible] [illegible]
[illegible] [illegible] quod [illegible] amicitie [illegible] et [illegible] [illegible]
[illegible], sed [illegible] proprie [illegible]. [illegible] [illegible] ordinem
intellectus, i. consideratio fine [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] finis ad quod intellectus [illegible] [illegible]. [illegible]
si [illegible] [illegible] fuerit aliquid ad [illegible] [illegible] [illegible]aliter di-
centur [illegible] [illegible] principali [illegible] ut [illegible]
Alex. in d. [illegible] [illegible] nu. 24. 25. et 26. in [illegible] [illegible].
[illegible] ex his [illegible] quod principaliter spectat ad substitu-
[illegible] testamenti quia principaliter [illegible] ad [illegible] [illegible]
[illegible], et principaliter [illegible] [illegible] quo ad ordinem
succedendi et propterea [illegible] quo ad [illegible] principaliter
ad eos spectant causa testamenti [illegible], [illegible]
[illegible] et [illegible] in [illegible] [illegible] [illegible] [illegible] [illegible],
[illegible] nomina certa [illegible]. Et sic ex his omnibus
[illegible] posse [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]; quibus stantibus [illegible] [illegible]-
[illegible] sint [illegible] [illegible], [illegible] [illegible]
[illegible] [illegible] [illegible] dici possunt ad [illegible] omnimoda
[illegible]. [illegible] [illegible] p°. x°. xj. et vii° [illegible]
excepti cetera videntur eidem et [illegible] omnia iisdem
[illegible] responsionibus; brevibus [illegible] [illegible] per [illegible]
et [illegible] [illegible] dicta [illegible] ne [illegible] [illegible]
[illegible]. Non obstat [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] substitutis [illegible] [illegible] ex[illegible] [illegible],
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] et propterea [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] in. 6° [illegible] [illegible]
[illegible] substitutis [illegible] [illegible] [illegible] [illegible] [illegible]

[illegible] una [illegible] eadem [illegible] sed diversa. Et quia [illegible]
[illegible] fundamento [illegible] [illegible] sunt [illegible] titu-
tus [illegible] [illegible] [illegible] in [illegible] ut dixi in 8.
fundamento [illegible] parte [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] ut in x [illegible]
quia [illegible] transactionem [illegible] inter D. [illegible] et D. Gabriel [illegible]
[illegible] collusio, ut in xj.o fundamento, et quia ipsi substi-
tuti non [illegible] [illegible] in eo iud.o ut in ult.o funda-
mento eiusdem partis. Et [illegible] quod illud intelligitur
quod sententia inter alios lata tertio preiudicet, [illegible] qui [illegible]
[illegible] litigare cui actio 2.o loco competebat vel a quo
causam habuit in [illegible] iudi. [illegible] de re iudi. sed in
casu nostro intervenit in p.o iud.o instituta, cui actio p.o
loco competebat [illegible] ordine [illegible], [illegible] non [illegible]
[illegible] substituti, [illegible] [illegible] [illegible] ipsis substi-
tutis non valentibus [illegible] non [illegible] [illegible] [illegible]
sententia, iuxta tex. in terminis in [illegible] ff.
de re iudi. Et illud [illegible] sententia lata inter alios, preiu-
dicet 3.o [illegible] quo ad possessionem, non quo ad ac-
tionem [illegible], ut dicit Bonif. de Rota [illegible] 478 in
[illegible]. Et [illegible] [illegible] preiudicet 3.o quando [illegible]
habet [illegible] ab eo, qui fuit in iud.m et fuit sciens, et
patiens sed isti substituti non [illegible] [illegible] [illegible]
vel a [illegible] ut supra [illegible] [illegible], nec [illegible]
eo iud.o [illegible] [illegible] non [illegible]
[illegible] ff. saepe. Et isti substituti non [illegible] [illegible]
[illegible] [illegible] ut [illegible] [illegible] [illegible]
[illegible] dato [illegible] quod [illegible] [illegible]
[illegible] inter D. [illegible] et D. Gabrielem si tamen [illegible]
[illegible] [illegible] [illegible] sententia illa [illegible]
[illegible] [illegible] anno in [illegible] suborta [illegible] [illegible]
excedunt in [illegible] dicit innodecentius de re iudi. et [illegible]
in c. quanto eo. tit. Praeterea tunc obstat exceptio rei
iudicatae cum idem [illegible] motus [illegible] eadem res et eadem
persona conditio, ut in l. cum quaeritur. cum duabus seq. ff. de
excep. rei iudi. quae tamen omnia non concurrunt in casu

[illegible] It quod sententia habeat vetio [illegible]
[illegible] ad 3.^m [illegible]
[illegible] si aliud ius sit [illegible] licet ex eodem fonte [illegible]
ut tradit Alex. in d. l. sape. col. 3. nu. 0. [illegible]
[illegible] substituti [illegible] 1. [illegible]
[illegible] ad [illegible] sententia [illegible]
[illegible] nomum [illegible] tamen [illegible] causa
[illegible] quia ea ponit Alex. in d. l. [illegible] G. [illegible]
[illegible] no. 25. [illegible] ~~tua tamen~~ ubi [illegible]
[illegible] in [illegible] non [illegible]
[illegible] Non obstat modo. 2.^m fundamentum partis
[illegible] nec similiter alij [illegible] ad [illegible] x.^m quia
si recte inspiciantur omnes leges allegata in dictis fundamentis
[illegible] loquunt quando quis [illegible]
[illegible] conuenitur, censetur diligens in omnibus [illegible]
dis quae sunt agenda [illegible] quo [illegible]
praesumitur tam diligens [illegible] maiorem cor [illegible]
[illegible] ideo agit ut lucret [illegible]
damnum patiat, unde ego praesuppono [illegible]
[illegible] quia [illegible] ~~[illegible]~~
~~[illegible]~~ It quando quis conuenitur [illegible]
[illegible] facile colludere praesumit, sicut [illegible] quia [illegible]
[illegible] ad cautelam [illegible] posterioribus [illegible]
nocerat cum aduersario colludens, [illegible] accepto pracio, uel sibi promisso, quia talis cautela [illegible]
solet ut tradit [illegible] in l. filius [illegible] 6. [illegible]
nu. 59 [illegible] alleg. p.^o sed [illegible] particularium [illegible]
[illegible] 3.^m fundamentum [illegible] l. [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
dici [illegible] ut dicit Alex. in d. l. sape. col. 8 [illegible]

quod illud simpliciter non est verum quam vera dicitur, quod
[illegible] ipse est [illegible] et [illegible] sibi
praeiudicet [illegible], quia [illegible]
[illegible] ius quaesitum tempore sententiae, quia illis relictum erat
[illegible] sub conditione si [illegible] conditio poterat
[illegible] non [illegible] tempore [illegible] non [illegible],
[illegible] ideo [illegible] casu non fuit [illegible] sed [illegible],
in casu autem vero isto substitutis ius [illegible]
[illegible] principaliter causa ad eos pertinebat [illegible] conditio non erat
in [illegible] quod [illegible] non [illegible]
si erat [illegible] tempore impleri, ergo [illegible] non fuit
[illegible] sententia [illegible] habere [illegible] nocere. Vo. ob. 3m fundamen-
tum [illegible] ex [illegible] de re iudi. [illegible] quia [illegible] nulla
collusio facta fuit, quod probatur ex eo, quod dicit tex. [illegible] collu-
sio [illegible] actio contra tutorem pupilla [illegible]
[illegible] abstinuerunt ab [illegible]
[illegible] vero collusio [illegible] ex [illegible]
[illegible] fuit; It. ibi videtur praeiudicari substituto, quia
agebat [illegible] facto [illegible] ad quod [illegible]
substitutus in casu substitutionis, quam institutus [illegible]
institutionis, in casu vero si sententia praeiudicaret substitutis
[illegible] ex [illegible] instituta, quae non [illegible]
[illegible] non ex facto [illegible] quod [illegible] admitten[illegible]
ibi non fuit lata sententia ex [illegible] probationis [illegible]
eam, sed quia [illegible] intentionem suam [illegible]
[illegible] vero ideo lata est sententia contra institutum, quia
[illegible] idem diversi sunt termini [illegible]
[illegible] 3m fundamentum, [illegible] max. [illegible] quae dixi [illegible]
substitutorum [illegible]. 4m quod non obstat fundamentum
[illegible] si [illegible] de pigno. [illegible]
[illegible] fuerunt [illegible]. It [illegible]
[illegible] non [illegible] in casu [illegible]
[illegible]
[illegible]
[illegible] termini [illegible]
[illegible] Similiter non [illegible]
nius. § cornelio felici. ff. de iur. fis. quia [illegible] dici illud [illegible]

[illegible] ibi [illegible] [illegible] secunda [illegible] matrem
[illegible] ad [illegible] in [illegible] et [illegible]
[illegible] · idio eius favore, quia causa [illegible]
[illegible] et favore [illegible], debent admitti substituti ad
[illegible] testamentum, max · cum iam evenerit casus substi=
tutionis. Item ibi [illegible] mater [illegible]
filio post mortem [illegible] sed [illegible]
[illegible], unde evanuit substitutio; ergo [illegible] here=
ditatem consequi ante quam mater moriretur [illegible]
evenit casus substitutionis [illegible] transitum ad [illegible]
3. [illegible] · [illegible] si dicat [illegible] in casu [illegible] [illegible]
tionem mortua censeri, tunc dico [illegible]
[illegible] naturali [illegible] civili tantum, [illegible]
[illegible] · [illegible] extra [illegible]
[illegible] suscepta et [illegible] in [illegible]
cons. 2 · in 1° vol · col · 1 · nu · 2 · dicens [illegible] in [illegible]
dispositione fit [illegible] mortis [illegible] morte naturali,
[illegible] civili tantum, et sic non obstat · Non obstat [illegible]
6.m fundamentum de l. papinianus · §. si ex causa · [illegible]
testa · [illegible] ibi sententia [illegible]
[illegible] in [illegible] [illegible] [illegible]
[illegible] et [illegible] ibi [illegible] uxor [illegible]
[illegible] [illegible] lex [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] dispositionem [illegible]
[illegible] sed in casu nostro nulla est lex [illegible]
[illegible] et substituti [illegible] testamentum [illegible]
[illegible] maxime [illegible] uxor [illegible]
[illegible] ab [illegible]
Gabriel · [illegible] ibi [illegible] ad quos causa [illegible]
[illegible]
[illegible] max · cum iam evenerit casus substi[illegible]
[illegible] suspecta [illegible] concor · [illegible]
[illegible]
[illegible] admitti [illegible]
[illegible]

[illegible] et praeiudicat, quia sumus in materia praeiudiciali[illegible]
sententiae, quae est odiosa, et restringibilis; contrario posset dici
quod si [illegible] quod admittitur legatarius ad defendendum et
appellandum [illegible] timor et collusionis alias si non defendat [illegible]
[illegible] sententia eis praeiudicet ergo a contrario [illegible] timor
collusionis non admittitur ad defendendum et sic [illegible]
[illegible] hanc ipsis non nocet, ad [illegible] sit argumentum [illegible]
[illegible] sensu ut dicunt doc. in l. si pupillorum. §. si ignorans. ff.
[illegible] Anti. in l. 1. §. huius rei. ff. de offi. eius cui man. est iuris[illegible]
[illegible]
[illegible] quo ad actionem, ut dicit [illegible] Rota in [illegible]
478. in nouis. Non obstat quoque 8m fundamentorum [illegible]
l. si [illegible] §. [illegible] ff. [illegible] quia intelligitur [illegible]
[illegible] ad possessionem et non quo ad actionem.
[illegible] in casu nostro [illegible] dicebatur [illegible]
[illegible] restitutione [illegible] praeiudicauit [illegible]
[illegible]
[illegible] quia non [illegible]
[illegible] substitutio [illegible]
cauit [illegible] fictione [illegible] potuit praeiudicare [illegible]
[illegible] fuit. Item ibi sententia [illegible]
[illegible] praeiudicauit. [illegible] et sententia [illegible]
tenia [illegible] non sit [illegible]
[illegible] dictum [illegible] probatur [illegible]
[illegible] intelligitur ibi [illegible] ita [illegible] in d. l. si [illegible]
[illegible] cons. 2. nu. 2. [illegible] potest [illegible]
[illegible] hanc [illegible]
[illegible] in substituto [illegible] fuerit sententia contra institutum [illegible]
sententia nocet fideicommissario, [illegible]
tur [illegible] ibi doc. [illegible]
9o loco adducebam [illegible] l. 1. §. [illegible] ff. de uent. inspici. quia [illegible]
[illegible] dixi supra in [illegible]
[illegible]
[illegible]
[illegible]
[illegible] sententia [illegible]
[illegible] dixi in d. [illegible] fundamento [illegible]
[illegible] in d. l. si [illegible] ff. de appella. [illegible]

tamen Deci. in l. ij. C. de eden. in x. cui ita respondet [illegible] nec incipit [illegible] ff. de oper. novi. [illegible] in l. [illegible] in ver. faciendo [illegible] [illegible] undamento. Ad obiectum x.^m [illegible] quod sicut factum [illegible] [illegible] tiam ita etiam noceat quia istud [illegible] favorabili ad odiosam [illegible] [illegible] [illegible] [illegible] [illegible] tamen [illegible] [illegible] omnia quia habeo hoc obiectum [illegible] [illegible] [illegible] militer non obstat x.^m [illegible] scientia [illegible] [illegible] [illegible] [illegible] iudicij, quia illud perdit [illegible] [illegible] [illegible] iudicij non [illegible] [illegible] ut sunt maximi iudici[illegible] [illegible] no. Bar. in [illegible] in rem [illegible] [illegible] in l. que dotis ff. sol. [illegible] [illegible] [illegible] est supra quod isti substituti [illegible] [illegible] [illegible] quod [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ut dixi in 8. fundamento [illegible] [illegible] [illegible] [illegible] mittantur atque omnia [illegible] fundamento [illegible] dicitis substituti [illegible] [illegible] [illegible] [illegible] huius x.^i obiecti. Ad obiectum [illegible] nideatur author substituti [illegible] sententia [illegible] noceat substituti [illegible] sententia [illegible] [illegible] quia dixi supra quod [illegible] [illegible] sed [illegible] seu [illegible] [illegible] [illegible] [illegible] maxime in casu isto [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible] substitutionis [illegible] collusionis [illegible] [illegible] [illegible] [illegible] quod [illegible] obseruare sententia [illegible] [illegible] [illegible] [illegible] dici illud [illegible] favore causae [illegible], [illegible] favor [illegible], [illegible] ut facultas [illegible] [illegible] [illegible] [illegible]

volumus [illegible] [illegible] in actione [illegible] [illegible]
et [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
fundamenta [illegible] [illegible] [illegible] [illegible] [illegible] ex [illegible]
videtur sustentabilis quod substituti in presenti casu ad-
mittantur ad relevandum ipsum testamentum non obstante op-
sita exceptione [illegible] iudicata.

Et ita [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]
scripsimus [illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible]

[illegible]

[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

Flaminius de Rubeis J.V.D.

In utriusque si fines descriptos ab aliis in rebus eorum ... fines verum meorum atque ... quod actum sit et ab aliis et dictum ... illud, quod describebant pro suis ... Cur non id dicamus ... facta ... sunt meorum ... facta inter eos hae ... dignoscantur ab alterum ... dicendum est eum plures, ac unam agri

[in margin: alterum a meis!]

a minori ad maius. Atque eo ... Columnis in iis ... circa ... quae spectant ad rei custodiam, ut hic ... discentis ... meis ... ab alienis, quia non fit ... custodi... procuratio ... in l. ... in pro ... mutatis ... in l. finium ... dam infra. Addo hic nullam esse causam ... praesumendum delictum, quod non praesumitur ... praesumi ut hic fit, et debet. Non enim praesumendum est voluisse unum accipere, et dare alii, quia nemo ducitur ad maleficium sine spe proprii lucri vel commodi ... nemo praesumitur ... salvis quod ... si ... meorum clam tolleret mihi ac daret alteri. Praeterea factum est hoc inter illos ... conscios. Ex quo praesumitur non potuisse eos ~~...~~ fallere, ac non ... voluisse nullam ob causam. Quod autem ... ante ... factum ab illis ... expressum patet ... considerati quod nisi id ~~...~~ ... novum ~~...~~ ... erat dividendum inter se terras ... finis nulla facta mentio ... in ... nulla ... quia praesumi possit illos aut potuisse ... voluisse aut debuisse ... dandi alteri ... tabellioni ... illis ... quod ... ~~...~~ posset ... cum ... in ...

... Principes ... calamo ... quod ... conclusum est, ... animo ...

[illegible]

[illegible] propria [illegible] Dionisio [illegible] Dion [illegible]
[illegible]
[illegible] contra [illegible] confirmatas [illegible] formato [illegible]
[illegible] amenticum [illegible]
[illegible] bona [illegible]
[illegible]
[illegible] 17 [illegible]
[illegible]
[illegible] Alex. [illegible]
[illegible] maxime quia [illegible]
[illegible] Sed [illegible]
[illegible] antiqui [illegible]
[illegible] minor [illegible]
[illegible] in antiquis [illegible]
[illegible] 104 [illegible] in 2° vol. [illegible] 48 [illegible] 222 [illegible]
[illegible] 90 [illegible] in 6° vol. Et [illegible] antiqui [illegible]
[illegible] Inno. idem dixit in c. cum venissent [illegible]
[illegible]
[illegible] in c. cum venissent [illegible]
[illegible] in affirmativa [illegible]
[illegible]

i.

c. cod. iii. [illegible] cu aliis ne diuitius [illegible] clara memoriam [illegible] tamen longi [illegible]
[illegible] fuit [illegible] idem [illegible] minimum [illegible] quod [illegible]
[illegible] sepius [illegible] non [illegible] tamen [illegible]
[illegible] Noui [illegible] in sua praxi [illegible] in [illegible] gloss. [illegible]
mihi nu. 18. [illegible] 29. [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] illud [illegible] sufficit ut pro
dictum est. [illegible] in praticione [illegible] arcta [illegible] [illegible]
[illegible] dispositiones [illegible] minus [illegible] in [illegible]
[illegible] ut tenet [illegible] in cod. [illegible] nu. 4. in f. [illegible] et idem in co.
171. [illegible] in 2° uol. [illegible] sufficiat [illegible] modum possibilem [illegible]
[illegible] ipse [illegible] in cod. 113. sub nu. 2. mihi col. 3. [illegible]
[illegible] [illegible] difficilis [illegible] [illegible]
[illegible] continuous [illegible] admittit [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] uerba [illegible] tenuit [illegible]
[illegible] mihi nu. 7. tenet [illegible] uerba [illegible]
[illegible] [illegible] sine [illegible]
[illegible] possit [illegible]
[illegible] [illegible] si arbiter [illegible] idem [illegible]
[illegible] mihi nu. 4. [illegible] reddit [illegible] cod. 42. nu. 8. [illegible]
[illegible] col. 7. et 8. in 1. uol. [illegible]
uers. [illegible] glo. [illegible] in clem. i. in 3. oppo. [illegible]
[illegible] col. mihi uers. quod autem quod [illegible]
[illegible] aliqui [illegible] nouat [illegible] ipsi [illegible]
[illegible] dictum Bal. [illegible] comp. [illegible] Bal. [illegible]
[illegible] de Papia et postea [illegible]
[illegible] quasi [illegible] de Papia [illegible]
[illegible] ipsum [illegible]
no. doc. in l. [illegible] tenuit [illegible] quod [illegible]
[illegible] omnes [illegible] aduersarios tenuit
in [illegible] nu. 9. in 6. uol. [illegible] nu. [illegible] ait [illegible]
[illegible] [illegible]
[illegible] facit in [illegible] difficilis [illegible] Et nu. 3. [illegible] tenet in.
[illegible] antiquis. [illegible]
[illegible] [illegible]
[illegible] [illegible] maiorem
[illegible] antiquo [illegible] annis. 130 [illegible]
[illegible] locationes [illegible] renouare [illegible] n. 40
[illegible] modo [illegible] exercitii [illegible]

fecerit ad hoc ... diceret antiquum ... & sufficiens probatio ...
... praescriptionis ... per ... sequitur Alex. in d. cons. ... in
... in 6. ... Aretin. in ... & ... in d. ... post ...
x ... xx ... in usu ... in uer. antiquitur dr. quod tempus an-
tiquum dr. xxx. annorum ... quia ... extra memoria ... p ... pueris ...
... quod ... audivisse ... quod ... per ... optima ...
in ... 30. co. 7. in j. ... & ... 201. co. ...
... Alex. in ... ex hac scriptura ... in ... C. loca. ...
... quod uerba enunciatiua dicunt ... in pluribus non
... uerba ... orationis ...
... sequitur ... & ... ut dicit Alex. in ... 7. ...
... secus si ... instrumento enunciant ... maxime
... ut ... in ... cum aliquis ... Alex. ...
... uol. 3. Nec ob. ... quod uerba enunciatiua ... inter ...
... inter diuersas personas secus sit, quia ... procedit in nouis secus
... antiquis ... & ... in antiquis uerba
enunciatiua ... aliud ... inter diuersas personas ...
... respondere posset ... modo ... inter duas diuersas ...
... ita ... uerbis enunciatiuis ... in in-
strumento ... inter ... sed ... diuersa persona agit,
... ex ... putant, quod isto casu ... in casu nostro
semper uerba ... instrumento ...
... cum aliquis ... in d. ... si a ... comp. indi.
... nostro ...
... ipso colonos ... dominij ...
... domina ... sunt, ... in termino
qui ... nominauerint ... ratione ... affirmationi ...
... circulus ... in ... diuisionum ... quod ...
... magnificentia ...

Flaminius de Rabeis Juris utriusque Doc.
Vrbis Collegiatus ...

[illegible] remittit [illegible] Bal. in d. l. [illegible] [illegible]
[illegible] in. 2.a col. et in [illegible] [illegible]
iusta causa, quod [illegible] [illegible] et [illegible]
soci. in l. [illegible] 263. [illegible] in. c. [illegible] [illegible]
[illegible] memoriam [illegible], ut dixi [illegible]
[illegible] in. 4. col. [illegible] sit [illegible]
[illegible] [illegible] [illegible]
[illegible] casu in. ds. 177. et 174. [illegible]
[illegible] [illegible] d. dol. [illegible]
[illegible] soci. in [illegible] ds. 263. col. [illegible]
[illegible] sed [illegible] [illegible]
[illegible] [illegible] et in [illegible]
[illegible] ds. 140.
ds. [illegible] in. [illegible] dicere [illegible]
[illegible] quia [illegible]
[illegible] [illegible]
[illegible] ds. 207. col. [illegible]
[illegible]
[illegible] quod [illegible]
[illegible] causa, et [illegible] [illegible]
[illegible]
[illegible] dicit [illegible]
[illegible] tomo, [illegible]
[illegible] quod [illegible]
[illegible]
[illegible] et sic [illegible]
[illegible]
[illegible] quod [illegible]
[illegible]
[illegible] et donare [illegible]
[illegible] [illegible] vocare potest. [illegible]
[illegible] cum aliis [illegible]
[illegible] est [illegible] filio invocare [illegible]
[illegible] et [illegible] quod [illegible]
[illegible] filio [illegible] filium [illegible]
[illegible]
[illegible] ut hoc casu [illegible] [illegible]

ad nullitatem dicte donationis adduco tex. in l. affectionis. ff.
de dona. ubi si in instrumento reperitur quod titulus affectione mo[-]
[illegible] qua habebat adversus eum qui erat consanguineus vel amicus, vel
[illegible] benemeritus [illegible] donatio dicitur simplex et indiget [illegible]
[illegible] ex edic. 100. annos quo fuit inventa dicta donatione
[illegible] fuisset, [illegible] non habet
[illegible] merito [illegible] nisi [illegible]
ut tradit And. Barbatia [illegible] col. et And. Tirag. in l.
si unquam [illegible] donatione [illegible], maxime inter virum et
uxorem [illegible] privignum, qui in partes reperitur, et non [illegible]
[illegible] ex [illegible] ad [illegible] esse [illegible]. Et sic ex premissis
[illegible] coniunctis [illegible] disiunctis puto satis apparere et nullitatem et
invaliditatem dicte donationis. Consulo itaque quod D. Pascha
[illegible] not. liceat et sibi spectat, [illegible] donatio [illegible]
[illegible] eius viro et privigno non esse [illegible] iure nulla [illegible] impiax
ex nunc, prout ex tunc, et [illegible] revocat in omnibus [illegible]
[illegible] revocatione indigere [illegible] pro nulla habent. [illegible] in forma
et [illegible] coram suo iudice [illegible] ad [illegible]
[illegible] eius dote et [illegible], una cum [illegible] sibi [illegible] dominium
et [illegible] ob [illegible] viri [illegible] opus
[illegible] et non [illegible] donationis predicte nulla vel saltem inefi[-]
caci et [illegible] revocanda. [illegible]

l. i Ibidem[?] [illegible]

Et ita ut supra [illegible] conclusit, et consultum fuit
iuris esse censeo ego Flaminius de Rubeis iur.
u. doc. Venetiis. [illegible] salvo semper [illegible]

Sapientia omnis a deo sanctificatio, justitia et redemptio inquit apos:
tolus ad corint. cap. i. et i. reg. cap. 2. preclare scriptum est. Nolite loqui
sublimia gloriantes quia deus scientiarum est dominus et in aug. quid oportet epis
in prin. dicitur. tunc etenim erit [illegible] si fiat principium decens et
amabile deo. et inquit tex. in c. cum paulus in c. principatus. i. q. i. quod ubi
christus non est fundamentum nullum boni operis superest edificium et diffi
cile est ut bono peragantur exitu que malo sunt inchoata principio.
Quapropter, sacratissimus imperator noster justinianus ante omnia divinum
nomen voluit invocare in operis sui initio, ut nos omnes doceret deum
in quibuscunque rebus esse minimis invocandum esse [illegible] christo [illegible] vivimus mo:
vemur, et sumus. c. in omnibus. 26. q. i. Et si prisci illi [illegible] ac
poete a Jove principia traxerunt et si Ethnici paganique [illegible] apud
Virgilium in Buccolicis. A Jove principium, Jovis omnia plena musae.
[illegible] Et ovidius dictat Dij ceptis aspirate meis [illegible] magis
nos christiani qui deum verum colimus, qui celos terram aliaque omnia ex
nihilo creavit, christum invocare debemus. Flexis itaque genibus salem
cordis nostri dominum petamus, cuius nomen mirabile est. Gen. cap. 32. [illegible]
cap. 3. Judi. cap. 13 [illegible] nimicati ut nobis rectum sensum prestet
virtutem atque intellectum aperiat et is cui vera est lux mundi, cor nostrum
illuminet, ut legum obscuritatibus ac tenebris superatis [illegible] nu:
[illegible] consequi valeamus.

Rubrica nostra secundum communem doc. sententiam in .5. partes dividitur. in
prima invocatur divinum nomen. in .2a. sunt nomina cum [illegible] quam
appellationa dignitatis libri. In .3a. ponitur nomen eius cui dirigitur
liber. In .4a. parte subintelligitur ponitur illud quod mittitur, s. salus. in .5a. et
et ultima ponitur specialis quedam Rubrica. 2a. est ibi. imperator. et .3a. est
ibi. Cupide legum iuventuti. 4a. ibi. quod subaudit s. salutem. 5a. ibi. Prohemium.

Inuocacio. Redeo modo ad primam partem. IN NOMINE etc. No. hic domini illius quod
dixi vobis in initio, quod dei nomen invocandum est in principio cuiuscunque
operis et etiam cuiuscunque actionis et operationis nostre, idcirco notarij etiam
in initio instrumenti semper invocant nomen dei quod an sit de substantia
et si omittatur an vitietur quod agatur in presentia scilicet invol:
[illegible] [illegible] simplici [illegible] [illegible] est cum tex. solius sine
[illegible] explanatione quia si [illegible] calos. s. [illegible], et an notarij conficiens
instrumentum inter iudeos debeat invocare nomen christi, et an iudeus
ipse christi nomen invocare possit, potius [illegible] [illegible] [illegible] d.
quam bonum aliquod efficeret. Sufficiat ergo vobis prius notare ex is:
ta tex. quod dei nomen in principio cuiuscunque operis, et actionis nos:
tre invocandum est. Sciatis enim, quod istud nomen. JESUS. est nomen he
Iesus braicum, quod homines sonat salvatorem. fuerunt quoque multi alij hebrei
hoc nomine JESU vocati fuerunt, ut Jesu Nave. Jesu Sirach.

librum ecclesiastici conscripsit, ac fuit nepos jesu josedech sacerdotis. atta-
men nullus nominis jesus proprie vocatus est sed josue, quod non est
idem cum nomine jesus, ut notabiliter dicit d. marq. de sus. in suo trac.
eleganti. de judicis. c. i. nu. 88. in 3. fallen. ideo cum nos invo-
camus nomen jesus, non jesus sirach, non josue nave invocamus,
sed nomen jesus filii beate semperque virginis et gloriose marie,
ac dei veri, cui honor et gloria in sempiternum.

inictus

Notate ibi CHRISTI. quod illud nomen est ex hebraica, quod latine
sonat unctus. glo. sup. Rab. de haeri. et fabel. col. i. Et per istud verbum
christus tres denotantur persone, s. filius unctus, pater ungens, et spiritus
sanctus unctio ab utroque procedens. ut no. glo. in verbo christum in
auth. iurandum quod prestatur ab his. coll. 2. et in c. a quodam de consecr.
dist. 4. Reges olim cum eligebantur in reges ungebantur et unctus christus
appellabatur. samuel enim saul in regem unxit de quo. 1. Reg. 10. item idem samuel
unxit David. 1. Reg. 16. exinde idem David ungitur a populo. 2. Reg. 5.
et salamon etiam in regem ungitur, ut 3. Reg. 1. et denique reges omnes unge-
bantur in signum principatus, ut in multis locis videre est in omnibus libris
reg. et paralip. et qui percussisset aliquem talem unctum morte plectebatur
unde dicit David. 1. reg. 26. quis extendet manum suam in christum domini et inno-
cens erit. et subdit. filii mortis estis vos qui non custodistis regem custodem chri-
stum domini. Et ex his constat dominum nostrum jesum christum Regem etiam in
hoc mundo fuisse, et hac de causa iudeos rei esse mortis, qui eum occide-
runt: et quod christus dominus noster temporalem iurisdictionem exercuerit in hoc
mundo, sicut spiritualem in celis, docet marq. de sus. in suo trac. de
jud. parte. in 2. cap. de 3a particula.

imperator.

Notate ibi IMperator. quod imperator dicitur ab imperando sicut Rex
a Regendo, non tamen omnis qui imperat aut regit, dicitur imperator, vel
Rex. nam pater quilibet familias in domo sua imperat, ac regit. l. in re
mandata C. mand. nec tamen propter hoc dicitur imperator, aut Rex. Sed impe-
rator hic dicitur is, qui orbem gubernat, et illud verbum denotat
antonomasiam, hoc est excellentiam, quia imperator dicitur dominus
totius orbis. l. deprecatio. ff. ad l. rho. de iac. et ita dicitur dua-
rum in lib. sexto. cap. an. et in multis aliis locis congestis per dominum jo. de
fosso. sup. psal. 49. in i. tho. licet non imperet Regi francie, nec regi his-
panie, ut dicunt jo. de platea, ceterique doc. hoc in loco. Sed hoc de
Rege francie, non intelligas de francia .i. gallia, sed de quadam francia, que est in
alamania. de qua fit mentio in c. i. ex. de electione. licet blondus contrarium te-
neat lib. 3. historie de inclinatione imperii Romani. Sic concludendo ex di-
ctis habes, quod verbum imperator hoc in loco accipitur pro universali impe-
ratore, non de particulari. Possem hic multa dicere, qui s. imperatorem
eligant, ubi coronetur, quis verus imperator dicatur, vel Rom. vel Constan-
tinopolitanus sed ... in pelagus tam vastum educere.

Caesar.

Notate ibi. Caesar. quod secundum aliquos caesares appellantur imperatores a caesare augusto, qui imperabat tempore nativitatis christi, unde dicitur in evangelio. exijt edictum ab augusto caesare, ut describeretur universus orbis. Sed melius loquendo secundum alios dic quod caesares dicuntur imperatores a iulio caesare, qui fuit primus Rom. imperator et avunculus d. Augusti octaviani et etiam pater adoptativus. Et iulius iste dictus fuit caesar a caeso matris utero, quia post mortem matris, cuius utero eductus fuit. l. si mater. C. de inoffi. testa. cum alijs, nam quando mulier praegnans moritur, debet caedi uterus, ut inde extrahi partus. vel etiam caesar dicitur quia magnam caesariem habebat multosque capillos. secundum dominum jo. fabri hic, sic tenendum est dictos caesares a iulio caesare, e matris utero caeso.

flavius.

Notate ibi. Flavius. quod ideo dictus est flavius, quia erat de flaviorum familia, vel quia flavios devicit, vel secundum jo. de platea, quia erat coloris ruffi, sicut in simili legitur de david. i. reg. [illegible] ego nihil invenio ex qua causa ita appellatus fuerit.

Justinianus.

Notate ibi. Justinianus. quod istud nomen est proprium nomen nostri imperatoris, et ideo dictus fuit, quia fuit filius justini, ut [illegible] [illegible] in [illegible] et aliud [illegible] dona. et in [illegible] quib. non est permissum facere [illegible]. [illegible] alius justinianus imperator, qui fuit filius Constantini. de [illegible] in [illegible] libri. dist. 16. et quod hoc sit verum patet, quia [illegible] de justiniano sub quo sexta sinodus fuit celebrata tempore Agathonis papae. ut in c. sexta. dist. 16. Sub justiniano autem nostro, qui institutiones has fecit, ut ille [illegible] fuit celebrata quinta synodus tempore Vigilij papae prout patet. in d. c. sexta. Vel potest dici alio modo secundum glo. et quosdam alios, quod ideo dictus fuit justinianus, quia summa per colere iustitiam, subditisque omnibus colendam iniunxit ut in l. i. C. de sum. trin. et fi. catho. Vel tertio modo dici potest secundum jo. de plat. quod Justinianus dictus fuit, ab octaviano augusto qui adeo iustus fuit, quod subditi eius deum ipsum adorare voluerunt quod [illegible] [illegible] [illegible] ei persuasisset, ut hoc facere se permitteret. quia erat alius qui omnibus dominabatur quam ipse [illegible] [illegible] [illegible] [illegible] ei Virginem mariam in ara coeli cum puero, [illegible] quod non permisit adorari. Sed qualiscumque [illegible] sit [illegible] [illegible] omnes [illegible] [illegible], [illegible] [illegible] [illegible] primum arbitror.

alamanicus.

Notate ibi. alamanicus. cum verbis cum sequentibus sunt nomina [illegible] acquisita, puta alemanicus, quia alemanos vicit, ac [illegible] [illegible] quia vicit [illegible] francus. quia francos alemaniae populos subiugavit. et sic de singulis, [illegible] omn. [illegible]

nomen cognomen, et agnomen. praenomen ut Marcus nomen ut Tullius, cognomen ut Cicero agnomen, ut puta Marcomannus quia Marcomannos vicerit. sed haec omnia latius exposita a grammaticis relinquo alterius rei inquisito. et haec fortasse dicta in §. si quis in nomine. I. de lega. et habes in l. si in nomine. C. de testa. ubi tractat quod error in his nihil agitur. dicta ergo in d. §. si quis in nomine. Et dum dicit Francus, intelligas ut supra dixi non de Gallia sed de quadam parte Germaniae. Quare autem imperator dicat a nominibus istorum locorum, quam alia die, quod ipse met devicit illas gentes, et ideo vult ex propriis virtutibus imperator laudari, non ex alienis quod sibi per viam successionis obvenire, quia de illis non a laude meremur, de his vero natura potius est laudanda. quia nos ut dicebat philosophus ut est glo. in no. in l. expressis ff. de testi. et dicebat philosophus. Malo antecessores meos nomen a me sumere, quam me ab iis.

pius. Notatur ibi Pius. quod pius dictus est secundum quosdam ab incomino pio. ut in auc. ut hic: Sere. §. hoc similiter. verum faciamus aut. coll. 6. Vel dictus fuit pius secundum alios a pietate animi quia fuit pijssimus. ut in l. i. in pri. C. de sacro. eccl. fi. cath. l. in perpetuum in pri. C. de nup. l. unica. in ult. reparatio C. de cadu. toll.

foelix. Notatur ibi Foelix. quod hoc triplici de causa potest. primo ex foelicitate animi quia nullis animi vexabatur motibus. Vel quia omnia quae hoc erat ei ex voto succedebat, et prospere quaecumque agebat. Vel tertio foelix dici potuit, quia fuit beatus et sanctus et inclita magnificaque rerum gesta.

inclitus. Notatur ibi inclitus. quod quidam dicunt inclitus est magnifica gesta, non vero foelix ad animum refertur verbum autem inclitus ad gesta.

victor. Notatur ibi Victor. quod prius vero dicitur victor, quod hostes suos fugat, non victoria propria ad militiam refertur, quia victoria militiae finis est, ut ait Arist. i. ethi. i. et. ii. ethi. 7. in pri. et quia victoria non dicatur nisi sit pugna in qua quis hostes superavit per ex verbis sancti Apostoli ad Timot. 4. dum dicit non coronabitur nisi, qui legitime certaverit. meminit de victoria idem Apostolus j. cor. 15. dum dicit. Deo autem gratias qui dedit nobis victoriam per Jesum Christum dominum nostrum. Ideo merito quidam victor appellari debet. imperator noster ex quo Christianus fuit, et sanctus

qa nō modo hostes visibiles pugnādo viriliter superavit, sed etiā invisibiles cōtinentia meditātione debellavit.

triumphator

Vocatur ibi Triumphator. quod is dicitur triumphator qui poss[illegible] devictos hostes [illegible] magnifica gesta coronat ut in [illegible] loco Apostoli ad Timot. 2. nō coronabit', nisi qui legitime certaverit [illegible] datur [illegible] quod qui legitime certaverit coronabitur [illegible] triumpho [illegible]

augustus

Vocatur ibi semper Augustus. quod ideo ita appinitur, qa eius [illegible] sui in [illegible] imperium [illegible] augustus imperator [illegible] sit semper [illegible] ut fecit [illegible] papa [illegible] Roma [illegible] loco qa [illegible] [illegible] nihilominus dicitur [illegible] imperii. Sicut [illegible] matrimonio [illegible] et femina individua [illegible] dividit matrimonium [illegible] dividitur matrimonium [illegible] hodie [illegible] dividit [illegible] [illegible] [illegible] tenuissima [illegible] matrimonium [illegible] affirmatur [illegible] [illegible] semper [illegible] voluntas [illegible] in glo.

Cupido/iuventuti

Vocatur ibi Cupido. et iuventuti. [illegible] dicit [illegible] [illegible] sic [illegible] omnia [illegible] qa dignitati [illegible] educat et naturam omnes [illegible] ut dixit [illegible]; 2° qa [illegible] semper [illegible] cupido, ut [illegible] homo [illegible] semper [illegible] quam [illegible] semper [illegible] meliora [illegible], ac [illegible];

iuventuti

Vocatur ibi Juventuti. qa ad hoc [illegible] [illegible] necessaria ad [illegible] [illegible] sic qa [illegible] [illegible] nil [illegible] [illegible]

[illegible] uti [illegible] [illegible] [illegible] [illegible]
[illegible] magis et facilius ad [illegible]
[illegible] accomodatur. ad [illegible] quod [illegible] glo. [illegible] gallus [illegible]
[illegible] [illegible] [illegible] habere [illegible]
[illegible] a quoque [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] ergo [illegible]
ad [illegible] ista duo [illegible] quis sit [illegible], et quod
sit [illegible] [illegible] sufficit [illegible].

salute. Dicatur ibi Salutem. quid [illegible] verbum antiquus semper in epistolis [illegible]
ponit [illegible] illud [illegible] quandam benivolentiam, et intrinsecus amor[illegible]
[illegible] quis [illegible] salutem ei cui scribit. [illegible] hic modum antiquum
[illegible] [illegible] [illegible] nomen suum, ut [illegible]
[illegible] supponebant nomen eius cui scribebant, ut [illegible]
[illegible] loco [illegible] [illegible], cui scribebant, in ibi salutem.

[illegible] [illegible] quos [illegible] [illegible] [illegible] [illegible]
[illegible] solent semper qui [illegible] auditores [illegible] lectores
[illegible] doctos, et attentos reddere, [illegible] hic facit [illegible]
[illegible] lectionem [illegible] diximus.

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[illegible] fo. [illegible]

[illegible] fo. 4. [illegible] fo. 20. [illegible] cds. [illegible] n°. 72 usq. 78.

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Coloni [illegible] cds. 6. n°. [illegible]

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[illegible] n°. 40. fo. 29. [illegible]

[illegible] cds. 7. n°. 40. fo. 30. cds. [illegible]

[illegible] cds. 7. n°. [illegible] fo. 31. [illegible]

[illegible] cds. 8. n°. [illegible] fo. 30.

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[illegible] cds. 9. n°. 54. fo. 42.

[illegible] cds. 10. n°. 10. fo. 43.

[illegible] n°. 14. fo. [illegible]

[illegible]

[illegible] cds. 12. n°. 14. fo. 49.

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Conductor [illegible] cds. 12. n°. 30. fo. 44.

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[illegible] cds. 14. fo. 57. n°. 2.

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[illegible] factum. cds. 15. n°. 19. [illegible] 55

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[illegible] cds. 17 n°. [illegible]

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[illegible] cds. [illegible]

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[illegible] cds. 18. n°. 31. fo. [illegible]

[illegible] cds. 19. n°. [illegible] fo. 65.

[illegible] fo. 67

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[illegible] cds. 20. n°. [illegible] fo. 73.

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[illegible]

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[illegible] validitate n°· [illegible]

[illegible]

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[illegible] cōs·2·n°·51·52·53· fo·10·[illegible]

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[illegible] cōs·8·n°[illegible]

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[illegible]

[illegible] cōs·7·n°·[illegible] fo·78·

[illegible] cōs·7·n°·[illegible] fo·30·

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[illegible] cōs·18 n°·34 fo·[illegible]

[illegible]

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Fama [illegible]

[illegible] n°·[illegible]

[illegible]

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Locans in dubio [illegible] cōs. 12. fo. 49. n°. 7.

[illegible] n°. 8. fo. 49. [illegible]

[illegible]

[illegible] fo. 50.

[illegible] cōs. 12. n°. 25. fo. 50.

[illegible] cōs. 12. n°. 26. fo. 50.

[illegible] fo. 51.

[illegible] n°. 7. fo. 52.

Locatio [illegible] cōs. 18. n°. 6. fo. 63.

Locatio [illegible] cōs. 18. n°. 4. fo. 64.

[illegible]

[illegible] supplementi [illegible] cōs. 19. n°. 2. fo. 69.

[illegible]

[illegible]

Legitima [illegible] cōs. 19. n°. 8. fo. [illegible]

Legitima [illegible] n°. 36. [illegible] fo. 66. [illegible]

Legitima [illegible] cōs. [illegible] n°. 4. [illegible]

[illegible] cōs. 19. n°. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] n°. [illegible]

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Legitima, [illegible] cōs. 19. n°. 67. [illegible]

[illegible] cōs. 19. n°. 68. fo. 70.

Legitima [illegible]

[illegible]

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[illegible] n°. 70.

Legit.° [illegible] cōs. 19. n°. 78. fo. 71.

[illegible] cōs. 19. n°. 79. fo. 71.

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[illegible] loca. intellectum. cōs. 20. n°. 1[illegible]

Locator [illegible] cōs. 20. n°. [illegible]

[illegible]

[illegible] 74.

[illegible] 80. [illegible]

[illegible] n°. 20. fo. 81.

[illegible]

[illegible]

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[illegible]

[illegible]

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[illegible]

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[illegible]

[illegible] cōs. 24. fo. 84.

[illegible]

[illegible] cōs. 27. fo. [illegible]

[illegible] n°. 6. [illegible]

[illegible]

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[illegible] nº 70.

[illegible]
. 48. fol. 18. cs. 29. nº 40. fo. 82.

[M]ercenarius dignus est mercede sua. cs. 3. nº 11. fo. 11.

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Meliorament… non solum dare, quod quis intelligatur. cs. 6. nº. 55. 56. fo. 25.

Modicum est nihil acquisitum… non credendum. cs. 10. nº. 19. 20. fo. 45.

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[illegible]

[illegible]

M[illegible]
. 96. cs. … nº 13. … [illegible]

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[illegible] cs. 30 nº … [illegible]

[illegible]

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fo. [illegible]

Mandatum [illegible]

[illegible] cōs. 1. nº. [illegible]

[illegible] est in [illegible] (2). 1. n. [illegible]

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[illegible]

[illegible]

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Novatio nunquam inducitur cum nulla est diversitas inter 1ᵐ et 2ᵐ contractum. cōs. 4. nº. 5. fo. 16. 1º.

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Nihil est medium [illegible] nº. 19. fo. 45.

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[illegible]

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[illegible]

[illegible] fo. [illegible] nº. 27. fo. 103. [illegible]

Negativa [illegible] cōs. 26. nº. 7.

[illegible]

Negativa [illegible] cōs. 28. nº. 22. [illegible]

Nemo [illegible] cōs. 28. nº. 50. fo. 97.

Nemo dat quod non habet. cōs. 28. nº. 97. fo. 99. et nº. 138. fo. 101.

[illegible] a nomine [illegible] cōs. 30. nº. 5. fo. 111.

[illegible] cōs. 30. nº. 6. fo. 111. [illegible]

Non [illegible]

[illegible] mutabilia. cōs. 70. nº. 127. fol.

[illegible] cōs. 50. nº. 124. 125 [illegible]

[illegible]

[illegible] fol. 250.

Non sufficit [illegible] vel formulae [illegible] fol. [illegible] 8.

[illegible]

Negativa [illegible]

[illegible] cōs. [illegible]

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[illegible]

Nobilitas [illegible]

[illegible]

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Non [illegible]

[illegible] fo. 13.
[illegible]
[illegible] plurie. [illegible]

[illegible] in opposito [illegible]
[illegible] n. 57. fo. 10.

[illegible]

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[illegible] cons. 49. fo. 36.

[illegible] ibi n° 10 - & n° 11. fo. 7.

[illegible] n° 20. [illegible]

[illegible] n° 28. [illegible] fo. 8.

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[illegible]

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[illegible] cons. 2. n° [illegible]

[illegible] ibi n° [illegible]

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[illegible] ibi n° 40. fo. 60.

[illegible] fo. 18. cons. 29. n° [illegible]

[illegible] cons. 5. n° 27. fo. 18.

[illegible] cons. 5. n° 28. fo. 19. [illegible]

[illegible]

[illegible] cons. 66. n° 4. 6.

[illegible] cons. 5. n° 61 [illegible]

[illegible]

[illegible] cons. 5 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] cons. 6. n° 52. fo. 25.

[illegible]

[illegible] cons. 7. n° 13 [illegible]

[illegible] cons. 7. n° [illegible] fo. 2 [illegible]

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[illegible]

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[illegible]

[illegible] cons. 7. n° 4 [illegible]

[illegible] n° 25 [illegible]

[illegible]

[illegible] Possessor Praesumitur [illegible]

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[illegible]

[illegible]

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[illegible] cons. 7. n° 60. fo. 30.

[illegible] n° 70. 71. [illegible]

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[illegible]

[illegible] cons. 8 n° 20 [illegible]

[illegible]

[illegible]

[illegible]

[illegible] fo. 42

[illegible] cons. 11. n° 3 [illegible]

[illegible] cons. 12. n° [illegible] fo. 49 [illegible]

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[illegible]

[illegible] ds. 14. n°. [illegible]

[illegible] diligit [illegible] ds. 14. n°. 5.

[illegible] lite pendente [illegible] ds. 14. n°. 6. fo. 57.

[illegible] ds. 14. n°. 7. fo. [illegible]

[illegible] ds. 14. n°. 8. fo. 59. ds. 15. n°

[illegible] ds. 14. n°. 9

[illegible] 14. n°. 11. fo. 59.

[illegible] bono. ds. 14. n°. [illegible] fo. 59.

[illegible] ds. 15. n°. 13. [illegible]

[illegible] dicitur [illegible] ds. 14. n°. 22. fo. 57.

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[illegible] ds. 15. n°. 3. fo. [illegible]

[illegible] rotulis antiquis

[illegible] ds. 16. n°. 8. fo. 58.

[illegible] ds. 16. n°. 11. fo. 59.

[illegible] ds. 16. n°. 15. fo. 59.

[illegible] ds. 17. n°. 2. fo. 60.

[illegible] accusationis calumniator [illegible] ds. 17. n°. [illegible]

[illegible] ds. 17. n°. 4. fo. 60.

[illegible] ds. 17. n°. 13. fo. 60. ds. 20. [illegible]

[illegible] ds. 17. n°. 19. fo. 61.

[illegible] ds. 5. n°. 3. fo. [illegible]

[illegible] ds. 17. n°. 27. fo. 62. [illegible]

[illegible] ds. 17. n°. 28. fo. 62.

[illegible] ds. 17. n°. 25. fo. 62. [illegible]

[illegible] ds. 17. n°. 31. fo. 62. [illegible]

[illegible]

[illegible] ds. 17. n°. 36. fo. [illegible]

[illegible] fo. 38. fo. 62.

[illegible] ds. 17. n°. 50. fo. 62.

[illegible] ds. 18. n°. 1. fo. 63.

[illegible] ds. 18. n°. 4. fo. 63. [illegible]

[illegible]

[illegible] ds. 18. n°. 2. fo. 64.

[illegible] ds. 18. [illegible] fo. 64.

[illegible] 6. fo. 64.

[illegible] ds. 18. n°. [illegible] fo. 65.

[illegible] CONTRADENIRE.

[illegible] ds. 19. n°. 21. [illegible] fo. 66.

[illegible] ds. 19. n°. 44. fo. 69 [illegible]

[illegible] ds. 19. n°. [illegible]

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[illegible] ds. 19. n°. 87. fo. 71.

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[illegible] ds. 20. n°. 19. fo. 74.

[illegible] ds. 20. n°. [illegible] fo. 74.

[illegible] fo. 74.

[illegible] fo. 71.

[illegible]

[illegible] ds. 22. n°. [illegible]

[illegible] ds. 23. n°. 15. fo. 77.

[illegible]

[illegible] ds. 23. n°. [illegible]

[illegible] ds. 23. n°. [illegible] fo. 80.

[illegible] ds. 23. n°. 82 [illegible]

[illegible]

[illegible] fo. 80.

[illegible] ds. 23. n°. [illegible] fo. 80.

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[illegible] n°. 13. fo. 80.

[illegible]

[illegible] fo. 84. [illegible]

[illegible] ds. 23. n°. 46. fo. 80.

[illegible] fol. 84. [illegible]

[illegible] ds. 24. n°. [illegible]

[illegible]

[illegible] ds. 25. n°. 2. fo. 86

[illegible] fo. 88.

[illegible]

[illegible]

[illegible] habere, [illegible] habeat [illegible] cs. 27. n. [illegible] fo. [illegible]

[illegible]

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[illegible] habet. cs. 20. n°

[illegible] 30. n°

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[illegible]

[illegible] cs. 28. n°. 101. fo. 101

[illegible]

[illegible]

[illegible] cs. 28. n°. 109. fo. 101. [illegible]

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[illegible] cons. 1. n°. 23. fo. 10.

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[illegible] cons. 6. n°. 8. fo. 23.

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[illegible] corrupit. cds. [illegible]
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[illegible] cds. 19. nº [illegible]
[illegible]
[illegible] cds. 20. nº [illegible] fo. 70.
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[illegible]

Tempus [illegible]

[illegible]

[illegible]

ne [illegible]

[illegible] annis [illegible]

[illegible]

Transpa[illegible] [illegible]

[illegible]

[illegible] cls. 1. n° 39. fo. 3. cls. [illegible] fo. 43. [illegible] | [illegible]

[illegible] ea maris. cls. 7. n° 11. fo. 14. cls. 6. n° 51. fo. [illegible] | [illegible] cls. 28. n° 8.

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[illegible]

[illegible] cls. [illegible] n° 22. [illegible] | [illegible]

[illegible] n° 17. | [illegible]

[illegible]

LABOR. RESTAURO
R. Milio

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